THE

Public General Acts of 1923

PASSED IN THE THIRTEENTH AND FOURTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

BEING THE

THIRD SESSION OF THE FIRST PARLIAMENT

OF

NORTHERN IRELAND

WITH A

TABLE OF THE TITLES, THE EFFECT OF THE YEAR'S LEGISLATION, AND AN INDEX

50896

BELFAST
PRINTED BY R. CARSWELL & SON, LIMITED
FOR
WILLIAM RICHARD CODLING, ESQ., C.V.O., C.B.E., THE OFFICER APPOINTED TO PRINT THE ACTS OF THE PARLIAMENT OF NORTHERN IRELAND

To be purchased through any Bookseller or directly from
HIS MAJESTY'S STATIONERY OFFICE, 15 Donegall Square West, Belfast

Price 8s. 0d. Net

Digitized by Google

CONTENTS.

Table		PAGE
I.	TABLE OF THE TITLES OF THE ACTS PASSED DURING THE YEAR	iii
	THE PUBLIC GENERAL ACTS.	
II.	THE EFFECT OF THE YEAR'S LEGISLATION :—	
	Part 1.—Showing the Acts of the Parliament of the United Kingdom Repealed or Amended by Acts of the Parliament of Northern Ireland	246
	Part 2.—Showing the Acts of the Parliament of Northern Ireland Repealed or Amended by Acts of that Parliament	251
III.	INDEX TO THE PUBLIC GENERAL ACTS	257
IV.	TABLE OF THE TITLES OF THE LOCAL ACTS PASSED DURING THE YEAR	274

Digitized by Google

TABLE I

A TABLE OF THE TITLES OF THE PUBLIC GENERAL ACTS OF 1923

being the Acts passed in the THIRD SESSION of the FIRST PARLIAMENT OF NORTHERN IRELAND

13 & 14 GEO. 5.—A.D. 1923

1. An Act for the continuance of Charging Powers in respect of Canal or Inland Navigation Undertakings in Northern Ireland of which possession was retained or taken by the Ministry of Transport under the Ministry of Transport Act, 1919. (*Canals Continuance of Charging Powers.*)

2. An Act to authorise the employment of additional Inspectors for the purposes of Weights and Measures Acts, 1878 to 1919. (*Inspectors of Weights and Measures.*)

3. An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the period ended on the thirty-first day of March, nineteen hundred and twenty-two, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-three, and the thirty-first day of March, nineteen hundred and twenty-four, and to make further provision with respect to the appropriation of certain supplies granted by Parliament for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-three. (*Consolidated Fund and Appropriation.*)

4. An Act to provide for the application of credit balances in the Exchequer of Northern Ireland; to charge certain sums upon the Consolidated Fund of Northern Ireland; to extend the powers of the Ministry of Finance with respect to Capital Moneys and the making of Loans; to amend the Law with respect to the preparation, examination and presentation to Parliament of Accounts; and for purposes connected therewith. (*Exchequer and Financial Provisions.*)

5. An Act to amend the Petty Sessions Clerk (Ireland) Act, 1858, and the Dogs' Regulation (Ireland) Act, 1865, in their application to Northern Ireland. (*Petty Sessions Fees and Administration.*)

Digitized by Google

7. An Act to amend the Law relating to Promissory Oaths in its application to Northern Ireland. (*Promissory Oaths.*)

8. An Act to amend the law in Northern Ireland with respect to offences against persons under the age of sixteen, and with respect to penalties under section thirteen of the Criminal Law Amendment Act, 1885. (*Criminal Law Amendment.*)

9. An Act to amend the Law of Evidence in its application to Northern Ireland. (*Criminal Evidence.*)

10. An Act to amend the Law with respect to Road Expenditure in Northern Ireland, and the procedure in connection therewith. (*Local Government (Roads*).)

11. An Act to amend the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922, relating to special periods, the period of benefit and the conditions for the receipt of benefit, to provide for continuing the existing rates of benefit and for making consequential alterations in the rates of contributions, to increase the total amount of advances which may be made by the Ministry of Finance for the Northern Irish unemployment fund, and otherwise to amend the said Acts. (*Unemployment Insurance.*)

12. An Act to make provision for the closing on Sunday and Christmas Day of certain premises licensed for the sale of intoxicating liquor, the abolition of certain off-licences, and the settlement of claims for compensation arising thereout; to impose restrictions on the sale of methylated spirits; and to amend the law relating to the sale and supply of intoxicating liquor by retail; and for purposes connected therewith. (*Intoxicating Liquor.*)

13. An Act to amend the Representation of the People Act, 1918, in its application to the Local Government Franchises in Northern Ireland. (*Local Government* (*Franchise*).)

14. An Act to give the force of Law to the consent of the Government of Northern Ireland to certain arrangements for Relief in respect of Double Taxation as between Northern Ireland and the Irish Free State. (*Double Taxation Relief.*)

15. An Act to amend section one of the Loans Guarantee Act (Northern Ireland), 1922. (*Loans Guarantee* (*Amendment*).)

16. An Act to continue, as respects Northern Ireland, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, until the twenty-fourth day of December, nineteen hundred and twenty-three. (*Increase of Rent and Mortgage Interest Restrictions* (*Continuance*).)

17. An Act to regulate the disposal of by-products of flax scutching at Scutch Mills in Northern Ireland, and the conduct of business in connection with flax scutching. (*Scutch Mills.*)

Digitized by Google

the Office of Attorney-General for Northern Ireland, and with respect to the execution of the said office. (*Office of Attorney-General.*)

19. An Act to enable the Irish Sailors and Soldiers' Land Trust to carry out in Northern Ireland the purposes for which it has been established by law. (*Land Trust (Powers).*)

20. An Act to establish a Public Record Office of Northern Ireland for the reception and preservation of certain public records appertaining to Northern Ireland, and for purposes connected therewith. (*Public Records.*)

21. An Act to establish local authorities for education in Northern Ireland; to make better provision therein as respects education, school attendance, the employment of children and young persons, the health and welfare of school children and afflicted children, and the training and employment of school teachers; and for purposes connected therewith. (*Education.*)

22. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

23. An Act to provide for the making of grants in aid of the repayment of certain loans and advances to rural district councils under the Labourers (Ireland) Acts, 1883 to 1919. (*Labourers.*)

24. An Act to amend section twenty-nine of the Electricity (Supply) Act, 1919, and section seven of the Gas Regulation Act, 1920, in their application to Northern Ireland, and for purposes connected therewith. (*Electricity and Gas (Expenses).*)

25. An Act to continue certain Expiring Laws as respects Northern Ireland. (*Expiring Laws Continuance.*)

26. An Act to amend the Law relating to certain Duties of Inland Revenue (including Excise), to alter other Duties and to make further provision in connection with Finance. (*Finance.*)

27. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate further Supplies granted in this Session of Parliament. (*Appropriation (No. 2.).*)

28. An Act to give the force of Law to certain arrangements made by the Treasury of the United Kingdom with the Government of Northern Ireland, pursuant to sub-section (2) of section seven of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), and to amend the Superannuation Acts (Northern Ireland), 1921 and 1922. (*Superannuation.*)

29. An Act to enable certain special constables to be appointed as members of the Royal Ulster Constabulary. (*Constabulary.*)

Digitized by Google

31. An Act to amend the Law relating to Local Government in Northern Ireland, and for purposes connected therewith. (*Local Government.*)

32. An Act to consolidate and amend the Law relating to Trade Boards in Northern Ireland. (*Trade Boards.*)

33. An Act to amend the Workmen's Compensation Act, 1906, and the Acts amending that Act, and to amend the law with respect to employers' liability insurance, the notification of accidents, first aid, and ambulance. (*Workmen's Compensation.*)

Digitized by Google

THE PUBLIC GENERAL STATUTES OF 1923

[13 & 14 GEO. 5]

CHAPTER 1.

A.D. 1923.

n Act for the continuance of Charging Powers in respect of Canal or Inland Navigation Undertakings in Northern Ireland of which possession was retained or taken by the Minister of Transport under the Ministry of Transport Act, 1919.

[29th March, 1923.]

E it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of rthern Ireland in this present Parliament assembled, l by the authority of the same, as follows:—

Extension of period during which charging powers may be continued. 9 & 10 Geo. 5, c. 50.

1.—(1) In the case of canal or inland navigation undertings in Northern Ireland of which possession was ained or taken by the Minister of Transport under the vers contained in section three of the Ministry of nsport Act, 1919, paragraph (*e*) of sub-section (1) hat section (which continues the powers of making rges directed by the Minister in pursuance of that ion) shall have effect and shall be deemed always to e had effect as if for the words "for a further period ighteen months after the expiration of the said period" re were substituted the words "thereafter until the enth day of February, nineteen hundred and twenty-"

(2) If at any time during the continuance under this of the powers of making charges so directed as aforeit appears to the Ministry of Commerce for Northern and (in this Act referred to as "the Ministry") that ng to changes in the cost of labour and materials or r circumstances affecting a canal or inland navigaundertaking, of which possession was so retained

Digitized by Google

or taken as aforesaid, the powers of charging are excessive or insufficient, the Ministry may make an order revising the powers of charging, so however that the revised maximum charges shall not, in the case of any undertaking, be less than the maximum charges authorised by any statutory provision in force immediately before the directions of the Minister of Transport relating to the charges of that undertaking were originally issued, or more than the charges which the undertakers were entitled to make on the fifteenth day of February, nineteen hundred and twenty-three.

(3) Any application by the undertakers to the Ministry for the purposes of this Act shall be accompanied by such information, certified in such manner, as the Ministry may require, with respect to the financial position of the undertaking in question; and before making an order upon such application the Ministry shall require the undertakers to give public notice of the application, and as to the manner in which, and the time within which, representations to the Ministry may be made; and the Ministry shall consider any representations which shall be duly made.

(4) Before making an order under this Act, the Ministry may appoint an officer or other person to inquire into and report upon the circumstances affecting the undertaking in question (including the matter of any application or representations made to the Ministry) in such manner and after such public notice as the Ministry may direct.

Such officer or person shall hear such witnesses and call for such documents and accounts as he thinks fit, and shall have power to take evidence on oath and for that purpose to administer oaths.

(5) The costs incurred by the Ministry in connection with any such inquiry, including the remuneration, at such rate as the Ministry may determine, of the officer or other person appointed to hold the inquiry, shall be paid by the undertakers or such other parties to the inquiry as the Ministry may determine, and the Ministry may certify the amount of the costs incurred, and any sums so certified and directed by the Ministry to be paid by any persons shall be a debt to the Ministry from such persons.

Digitized by Google

2.—(1) References in this Act to the Ministry of Transport Act, 1919, shall be construed as references to that Act as it applies to Northern Ireland, under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

Construction and short title.

10 & 11 Geo. 5, c. 67.

(2) This Act may be cited as the Canals (Continuance of Charging Powers) Act (Northern Ireland), 1923.

CHAPTER 2.

An Act to authorise the employment of additional Inspectors for the purposes of the Weights and Measures Acts, 1878 to 1919.

[29th March, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Ministry of Home Affairs may, after consultation with the Ministry of Finance and the Ministry of Commerce, by order provide that during the continuance of this Act in force, but no longer, the powers and duties in connection with the verification and inspection of weights and measures which under the Constabulary Act (Northern Ireland), 1922, are to be exercised and performed by members of the Royal Ulster Constabulary, may also, to such extent or in such areas as may be prescribed, be exercised and performed by persons appointed in the prescribed manner and having the prescribed qualifications, and from and after the date on which the order comes into operation, references in Part V. of the Weights and Measures Act, 1878, and in section nineteen of the Weights and Measures Act, 1889 (as those Acts are amended by the said Constabulary Act), to persons holding any particular offices in, or to members of, the Royal Ulster Constabulary shall be construed as includ-

Power of Ministry of Home Affairs to authorise additional inspectors of weights and measures.

12 & 13 Geo. 5, c. 8.

41 & 42 Vict., c. 49.

52 & 53 Vict. c. 21.

Digitized by Google

the order, and, subject to the approval of the Ministry of Finance, provision may be made by the order with respect to the manner in which fees taken by those persons as inspectors of weights and measures are to be applied.

(2) An order made under this Act shall have effect as from the first day of June, nineteen hundred and twenty-two, or such later date as may be specified therein, and may be revoked, varied or amended by a subsequent order so made.

(3) The salaries, remuneration or allowances of the persons appointed in pursuance of an order made under this Act shall, up to such amount as may be sanctioned by the Ministry of Finance, be paid out of moneys provided by Parliament as part of the costs, charges and expenses of the Royal Ulster Constabulary.

(4) In this Act—

the expression "prescribed" means prescribed by an order made by the Ministry of Home Affairs under this Act;

the expressions "Ministry of Home Affairs", "Ministry of Finance" and "Ministry of Commerce" mean respectively, the Ministry of Home Affairs for Northern Ireland, the Ministry of Finance for Northern Ireland and the Ministry of Commerce for Northern Ireland.

(5) References in this Act to the Weights and Measures Acts, 1878 to 1919, or to any of those Acts shall be construed as references to such Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

11 5, c. 67.

ion of

2. This Act shall continue in force until the thirty-first day of March, nineteen hundred and twenty-four and no longer, unless Parliament otherwise determines.

title.

3. This Act may be cited as the Inspectors of Weights and Measures Act (Northern Ireland), 1923.

Digitized by Google

n Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the period ended on the thirty-first day of March, nineteen hundred and twenty-two, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-three, and the thirty-first day of March, nineteen hundred and twenty-four, and to make further provision with respect to the appropriation of certain supplies granted by Parliament for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-three.

[29th March, 1923.]

E it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of orthern Ireland in this present Parliament assembled, r the purpose of making good the supply which the ouse of Commons have, in pursuance of recommendaons from the Governor of Northern Ireland, granted to is Majesty in this Session of Parliament, as follows :—

Issue of £1,771 3s 7d out of the Consolidated Fund for the service o the period ended 31st March, 1922.

1. The Ministry of Finance for Northern Ireand may issue out of the Consolidated Fund of Northern eland, and apply towards making good the supply anted to His Majesty for the service of the period ended the thirty-first day of March, nineteen hundred and enty-two, the sum of one thousand seven hundred nd seventy-one pounds, three shillings and sevenpence.

Issue of £44,062 out of the Consolidated Fund for the service of the year ending 31st March, 1923.

2. The said Ministry of Finance may issue out of e said Consolidated Fund, and apply towards making od the supply granted to His Majesty for the service of e year ending on the thirty-first day of March, nineteen ndred and twenty-three, the sum of forty-four thoud and sixty-two pounds.

Issue of £2,277,500 out of the Consolidated Fund for the service of the year ending 31st March, 1924.

3. The said Ministry of Finance may issue out of the id Consolidated Fund, and apply towards making good e supply granted to His Majesty for the service of the ar ending on the thirty-first day of March, nineteen ndred and twenty-four, the sum of two million, two ndred and seventy-seven thousand five hundred pounds.

Digitized by Google

4.—(1) The said Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the aforesaid sums, any sum or sums not exceeding in the whole one million pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-four.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

5. So long as the expenditure on the Royal Ulster Constabulary and Special Constabulary is not made to exceed the aggregate of the sums respectively appropriated by the Appropriation Act (Northern Ireland), 1922, and the Appropriation (No. 2) Act (Northern Ireland), 1922, for those services, any unexpended balance arising in respect of sums appropriated for the purposes of the Royal Ulster Constabulary may, with the sanction of the said Ministry of Finance, be applied in defraying any expenditure for the purposes of the Special Constabulary which is not provided for in the sums appropriated for the last-mentioned purposes.

6. This Act may be cited as the Consolidated Fund and Appropriation Act (Northern Ireland), 1923.

Digitized by Google

n Act to provide for the application of credit balances in the Exchequer of Northern Ireland; to charge certain sums upon the Consolidated Fund of Northern Ireland; to extend the powers of the Ministry of Finance with respect to Capital Moneys and the making of Loans; to amend the Law with respect to the preparation, examination and presentation to Parliament of Accounts; and for purposes connected therewith.

[29th March, 1923.]

E it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of rthern Ireland in this present Parliament assembled, d by the authority of the same, as follows:—

Annual account of income and expenditure.

1.—(1) The Ministry of Finance shall, within fifteen s after the expiration of every financial year, prepare account of the public income and expenditure of rthern Ireland according to the actual receipt and issue moneys on the account of the Exchequer at the Exquer Bank during that financial year, and shall show he account either the surplus of such income or the ess of such expenditure during the financial year

Provided that issues made for the payment of exses authorised by any Act other than the annual Appro-ation Act shall not, so far as moneys to meet such issues e been provided out of loans, be deemed for the pure of the said account to be part of such expenditure.

(2) A copy of the said account, certified by the nptroller and Auditor-General, shall be laid before the use of Commons within one month after the expiration he financial year, if Parliament is then sitting, or, if sitting, within one week after the meeting of Parliat next after such expiration:

Provided that, as respects the financial year ended the thirty-first day of March, nineteen hundred and nty-two, the said account and the accounts required e laid before both Houses of Parliament in pursuance

Digitized by Google

Fund Charges Act, 1854, shall, if laid before the House of Commons or both Houses of Parliament (as the case requires) on or before the thirty-first day of March, nineteen hundred and twenty-three, be deemed to have been duly so laid.

2.—(1) If there appears by the said account of the public income and expenditure for any financial year to be a surplus of income above expenditure for that year, the Ministry of Finance shall, in the course of the next financial year, cause the amount of such surplus (which may be called "the annual surplus") to be issued to the Ministry of Finance out of the Consolidated Fund at such time during that year as the said Ministry may from time to time direct.

(2) The annual surplus shall, subject as hereinafter provided with respect to the financial year ended on the thirty-first day of March, nineteen hundred and twenty-two, be applied by the Ministry of Finance within six months after the date of issue to the following purposes, and in the following order of priority, that is to say :—

First, towards the reduction, by means of a reserve fund or sinking fund to be created and applied in accordance with the prescribed regulations, of capital liabilities in connection with the public debt of Northern Ireland ;

Secondly, towards making good any principal or arrears of interest extinguished, written off or remitted under the authority of an Act of Parliament in respect of any loan out of public moneys ;

Thirdly, for the creation of a fund to be applied to the maintenance and depreciation of public buildings, and, so far as not required for the purposes aforesaid, by way of payment into the Capital Fund to be established under the provisions of this Act.

(3) For the purposes of this section, the expression "capital liabilities" means liabilities other than—

(*a*) liabilities in respect of any loan borrowed under any Act to meet ways and means ; and

(*b*) liabilities in respect of interest on moneys borrowed.

Digitized by Google

e thirty-first day of March, nineteen hundred and enty-two shall, to such extent as may be prescribed, set aside towards securing, in accordance with the ovisions of this Act, fixed revenues in perpetuity in lieu the varying terminable revenues accruing to the Exequer. The annual surplus in respect of the said ancial year shall, to such extent as it is not required the aforesaid purpose, be applied in accordance with e foregoing provisions of this section.

Conversion of terminable revenue into perpetual revenue, and redemption of interest charges.

3.—(1) There shall be charged upon the Consolidated und in each financial year such sums as the Ministry of nance may certify from time to time to be necessary—

(*a*) to be set aside as respects that financial year, for the purpose of securing such fixed revenues in perpetuity as may be actuarially ascertained to be equivalent to the varying terminable revenues which accrue to the Exchequer under sections twenty-six and thirty-one of the Government of Ireland Act, 1920, in respect of land or any interest in land situate in Northern Ireland; and

10 & 11 Geo 5, c. 67

(*b*) to meet the estimated liability in respect of interest on Savings Certificates outstanding on the last day of the previous financial year.

(2) Any sums so certified by the Ministry of Finance hall be issued from the Consolidated Fund within each nancial year to such account of the Ministry of Finance, t such times, and shall be invested, accumulated and pplied in such manner, as may be prescribed.

Establishment of Capital Fund.

4.—(1) The Ministry of Finance shall place to the redit of a fund to be held by that Ministry and called the Capital Fund "—

(*a*) such part of the annual surplus as is available for payment to the Capital Fund in accordance with the provisions of this Act; and

(*b*) all moneys, securities, or other assets in the nature of capital which represent a fund or part of a fund or assets transferred or apportioned (whether before or after the passing of this Act) to the Government of Northern Ireland by the

Digitized by Google

of Ireland Act, 1920, and being a fund of assets held immediately before the appointed day in connection with services, the expenses of which are in Northern Ireland defrayed as from that day out of moneys provided by Parliament.

(2) The Ministry of Finance may, in such manner as it may from time to time determine, invest moneys of the nature of capital standing to the credit of the Capital Fund, and vary any such investments and also any investments which by virtue of this Act become part of the Capital Fund.

(3) The Ministry of Finance shall pay the balance of such moneys as are of the nature of income, including income arising from investments, into the Exchequer at such time and in such manner as may be prescribed.

(4) Subject to the provisions of this Act, the Capital Fund shall by the prescribed regulations be made available for the following purposes, that is to say—

(*a*) advances to the Exchequer either for the purpose of local loans under the Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922, or in exercise of any power of the Ministry of Finance to borrow to meet ways and means, or advances to the Ministry of Finance for the purpose of loans under any other Act empowering that Ministry to lend money for purposes involving capital expenditure;

(*b*) any purpose for which expenditure of the nature of capital expenditure is, whether before or after the commencement of this Act, authorised by Act of Parliament.

5.—(1) The Ministry of Finance shall, in addition to any power of making loans which was at the appointed day transferred to that Ministry from the Commissioners of Public Works in Ireland, have power to make loans for all or any of the following purposes, that is to say—

(*a*) any purpose for which before the appointed day loans could be made, as respects Irish services in Northern Ireland, out of the development fund, the funds at the disposal of the Department of Agriculture and Technical Instruction for Ireland, the Forestry Commissioners, or the Intermediate Education Board for Ireland;

Digitized by Google

purchase houses;

(*c*) any purpose for which any bridge commissioners constituted in Northern Ireland by Act of Parliament are empowered by any Act to borrow money for defraying expenditure on works executed before or after the passing of this Act.

(2) The Ministry of Finance may, in such cases as it nks fit, waive the payment of interest imposed by ion five of the Public Works Loans Act, 1897, in respect oans made by that Ministry, and any payment so ved shall be shown in the accounts of capital receipts capital expenditure kept under this Act.

60 & 61 Vic. c. 51.

6.—(1) In addition to any accounts which are re- ed to be kept either under the Exchequer and Audit , 1921, or under any other provision of this Act, the istry of Finance shall keep, in respect of each financial r, accounts of capital receipts and capital expenditure, accounts showing the earnings on capital advances or stments, in such form as may be prescribed:

Accounts of operations of Ministry of Finance under the Act. 12 Geo.5, c.2.

Provided that the first of such accounts shall be in ect of the period from the twenty-second day of ember, nineteen hundred and twenty-one to the ty-first day of March, nineteen hundred and twenty- e, and that for the purposes of the last-mentioned unt any sums advanced out of moneys provided by iament for a purpose for which advances may be made er any enactment, whether passed before or after the mencement of, or contained in, this Act, may be ted as having been advanced under that enactment.

(2) The Ministry of Finance shall keep, in the pre- ed form, accounts with respect to—

(*a*) all moneys forming part of the annual surplus;

(*b*) all moneys placed to credit of or paid out of the Capital Fund;

(*c*) all moneys issued out of the Consolidated Fund, in accordance with the provisions of this Act, for the purpose of securing fixed revenues in perpetuity in lieu of varying terminable revenues, or to meet the estimated liability in respect of interest on Savings Certificates; and

Digitized by Google

this Act and in relation to which no specific provision for the making or rendering of an account is contained in this Act.

(3) The accounts required to be kept under this section shall, on or before the thirtieth day of September next after the expiration of each financial year, be submitted to the Comptroller and Auditor-General in the prescribed form, and shall be audited by him.

On or before the fifteenth day of November next after the said date the Comptroller and Auditor-General shall send the said accounts as audited by him to the Ministry of Finance, and that Ministry shall lay the said accounts, accompanied by such particulars relating thereto as may be prescribed, before the House of Commons on or before the thirtieth day of the last mentioned month, if Parliament is then sitting, or, if not sitting, within one week after the then next meeting of Parliament.

7. The power conferred upon the Ministry of Finance by section twenty of the Exchequer and Audit Act, 1921, to direct the examination of certain accounts by the Comptroller and Auditor-General shall include the power to direct such examination in the case of the accounts of the Ministry of Finance relating to the Irish services in Northern Ireland which immediately before the appointed day were administered by the Commissioners of Charitable Donations and Bequests for Ireland.

8.—(1) In this Act, unless the context otherwise requires—

The expression "Consolidated Fund" means the Consolidated Fund of Northern Ireland, and includes the growing produce thereof;

The expression "Exchequer" means the Exchequer of Northern Ireland;

The expression "Ministry of Finance" means the Ministry of Finance for Northern Ireland;

The expression "prescribed" means prescribed by the Ministry of Finance;

The expression "appointed day" means, in relation to any Irish service, fund, or matter, the day appointed under the Government of Ireland Act, 1920, for the coming into operation, as respects Northern Ireland, of the provisions of that Act affecting such service, fund or matter;

Digitized by Google

(2) References in this Act to any Acts of the Parliament of the United Kingdom shall be construed as references to those Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any Order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(3) So much of section one of the Church Temporalities Fund Act (Northern Ireland), 1922, as relates to the keeping of a separate Church Temporalities Account shall, as from the first day of April, nineteen hundred and twenty-three, cease to have effect. 12 & 13 Geo. 5, c. 13,

(4) Any provision of the law relating to the Exchequer and Consolidated Fund of the United Kingdom which would, apart from this Act, have applied to the Exchequer and Consolidated Fund by virtue of sub-section (3) or sub-section (4) of section twenty of the Government of Ireland Act, 1920, and which is inconsistent with any provision of this Act, is hereby repealed.

9. This Act may be cited as the Exchequer and Financial Provisions Act (Northern Ireland), 1923. Short title.

CHAPTER 5.

An Act to amend the Petty Sessions Clerk (Ireland) Act, 1858, and the Dogs Regulation (Ireland) Act, 1865, in their application to Northern Ireland. [10th May, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Governor of Northern Ireland may make orders prescribing:— Fees in respect of petty sessions forms and certificates in connection with dog licences. 21 & 22 Vict. c. 100

(*a*) the amounts of the fees payable under the Petty Sessions Clerk (Ireland) Act, 1858 (in this Act referred to as "the principal Act") in respect of the forms and proceedings set forth in Schedule (C) to the principal Act; and

Digitized by Google

(*b*) the amounts of the fees payable upon certificates of the registry of dog licences under section eight, and upon certificates of the payment of licence duty under section nine, of the Dogs Regulation (Ireland) Act, 1865.

(2) The amounts prescribed by any such order in relation to the fees payable in respect of forms and proceedings shall be substituted for the amounts specified in Schedule (C) to the principal Act, and in section twenty-eight of the principal Act a reference to the fees prescribed by such order shall be substituted for the reference to the fees provided by the principal Act.

(3) The amounts prescribed by any such order in relation to fees payable upon certificates of the registry of dog licences or upon certificates of the payment of licence duty shall be substituted for the amounts respectively specified in sections eight, nine, and ten of the Dogs Regulation (Ireland) Act, 1865.

(4) Every such order shall be published in the Belfast Gazette, and the production of a copy of such gazette purporting to be printed under the authority of the officer appointed to print the Acts of the Parliament of Northern Ireland, and containing the publication of any such order, shall be conclusive evidence of the making of such order.

2.—(1) The power of making rules conferred on the Governor of Northern Ireland by section twenty-nine of the principal Act shall extend to the making of rules (subject to the provisions of this section) governing the procedure in connection with the appointment of petty sessions clerks by the justices and the qualifications entitling justices to take part in any such appointment.

(2) The Governor of Northern Ireland shall have power in connection with the appointment of a petty sessions clerk by the justices

(*a*) in the case of any dispute as to the validity of an election, to decide finally such dispute; and

(*b*) in the case of an equality of votes as respects two or more candidates each receiving the highest number of votes at an election, to decide which of such candidates shall be appointed or, if he thinks fit, to order a new election.

Digitized by Google

(3) The power of the Governor of Northern Ireland er section six of the principal Act (as amended by Petty Sessions Clerk (Ireland) Act, 1858, Amend- t Act, 1870) to make an order declaring that two nore petty sessions districts shall be served by one the same person as clerk, shall be exerciseable in ect of any districts, whether they are all situate in same county or not. The appointment of a person e the clerk of such two or more districts shall, on first occasion for such appointment in pursuance of order, be made by the Governor of Northern Ireland, shall select for appointment some one of the persons filled the office of petty sessions clerk in any of e districts immediately before the coming into force ne order, or, in the case of the unfitness of all such ons, then some other proper and fit person. salary to be paid to the clerk so appointed on the occasion aforesaid for two or more districts shall, vithstanding anything in section six of the principal be such as the Governor of Northern Ireland in his etion may fix.

33 & 34 Vict. c. 61.

Construction and short title.

3.—(1) References in this Act to the principal Act to the Dogs Regulation (Ireland) Act, 1865, shall be rued as references to those Acts as they apply to hern Ireland under and subject to the provisions of overnment of Ireland Act, 1920, and any enactments ding the same, and of any order made by His Ma- in Council in pursuance of the last-mentioned Act actments, whether made before or after the passing is Act.

10 & 11 Geo. 5, c. 67.

(2) This Act may be cited as the Petty Sessions and Administration Act (Northern Ireland), 1923.

CHAPTER 6.

Act to provide for the Reconstitution of the ecords relating to certain Companies having egistered Offices in Northern Ireland.

[10th May, 1923.]

WHEREAS the documents which form the records constitution and registration of certain companies land were destroyed by fire on the twenty-fifth f May, nineteen hundred and twenty-one:

Digitized by Google

AND WHEREAS it is necessary to make provision for the reconstitution of the said records so far as they related to such of the said companies as have registered offices situated in Northern Ireland:

BE it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) This Act shall apply to every company (other than the companies named in the First Schedule to this Act), being a company

(a) incorporated before the twenty-sixth day of May, nineteen hundred and twenty-one, under the Joint Stock Companies Acts as defined in section two hundred and eighty-five of the Companies (Consolidation) Act, 1908, or under any Companies Act repealed by the last mentioned Act, or under the Companies Acts, 1908 to 1917;

(b) not having been dissolved, struck off the register, or wound up before the twenty-sixth day of May, nineteen hundred and twenty-one; and

(c) having on the twenty-fifth day of May, nineteen hundred and twenty-one, its registered office in Northern Ireland, and not having registered between that date and the thirty-first day of December, nineteen hundred and twenty-one, a change of registered office to a place outside Northern Ireland.

Every company to which this Act applies is hereinafter referred to as "the Company."

(2) The Company shall, not later than one month after requisition by the Registrar, and, in any event, not later than the thirty-first day of March, nineteen hundred and twenty-four, furnish to the Registrar a statement in the form A prescribed by the Second Schedule to this Act, together with copies of the Company's Memorandum

Digitized by Google

Association and Articles of Association, Special Resolutions, Extraordinary Resolutions, Orders of the Court, Deed of Settlement, and copies of any other documents (as the case may require) containing any record with respect to the constitution, objects and powers of the Company. The Company may also be required by the Registrar to produce for inspection its certificate of incorporation.

(3) The statement and copies of documents aforesaid shall be authenticated by the seal of the Company and by a statutory declaration made by one or more directors and the secretary or manager of the Company.

(4) The Registrar may dispense with the furnishing under this section of a copy of any document which, in his opinion, it is impossible or impracticable for the company to furnish.

(5) If any person in a statement furnished in pursuance of this section makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment for a term not exceeding two years, with or without hard labour, or on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment:

Provided that any fine imposed on summary conviction shall not exceed one hundred pounds.

Registration of copies of documents and issue of certificate.

2. The Registrar shall register the statement and copies of documents furnished to him by the Company under this Act, and shall issue a certificate in the form prescribed by the Second Schedule to this Act, and that certificate, or a certificate to the like effect, issued under the hand of the Registrar shall be conclusive evidence that the requirements of this Act have been complied with and that the Company was duly incorporated and registered under the Joint Stock Companies Acts as hereinbefore defined or under any Companies Act repealed by the Companies (Consolidation) Act, 1908, or under the Companies Acts, 1908 to 1917, as the case requires.

Provisions as to documents filed under the Act.

3.—(1) The documents filed by the Company in pursuance of this Act shall be accepted for all purposes as being the constitution, regulations, or records (as the case may require) of the Company, and shall be received

Digitized by Google

as such in evidence in all courts, and the copies so filed shall be evidence of the documents of which respectively they purport to be copies :

Provided that the entry of any mortgage or charge in the statement to be filed by the Company under this Act shall not prejudice or affect the rights possessed by any person by reason of the registration of a mortgage or charge in pursuance of section ninety-three of the Companies (Consolidation) Act, 1908, or any other enactment relating to the registration of mortgages or charges.

(2) The court may at any time, on the application of the Registrar or of the Company, or of any member or creditor of the Company, upon proof that any document filed by the Company in pursuance of this Act is false, misleading or inaccurate in any material respect, order the file containing that document to be rectified accordingly, but no such order shall have effect until a copy, authenticated by the proper officer of the court, has been filed with the Registrar.

4. The Registrar shall not be held responsible for failure on his part to produce any document filed in relation to the Company before the appointed day.

5.—(1) If the Company fails to furnish to the Registrar, within one month after requisition in pursuance of this Act, or, in absence of such requisition, not later than the thirty-first day of March, nineteen hundred and twenty-four, any statement or copy of a document required to be furnished to him under this Act, or fails, for a period of one month after the Registrar has required the production of the certificate of incorporation of the Company, to produce such certificate, the Company shall be liable on summary conviction to a fine not exceeding one pound for every day during which the default continues, either after the thirty-first day of March, nineteen hundred and twenty-four, or after the expiration of one month from the date of the Registrar's requisition (as the case may require), and every director and manager of the Company who knowingly and wilfully authorises or permits the default shall be liable on summary conviction to the like penalty.

(2) At any time within six months after the thirty-first day of March, nineteen hundred and twenty-four, the Registrar may publish in the Belfast Gazette and in at least one daily newspaper circulating in Northern Ire-

Digitized by Google

ıd, a statement of the names of the Companies to which has reason to believe that this Act applies and which ve not complied with the requirements of this Act, ether with a notification that if any Company to which s Act applies fails to comply with the said requirements or before the thirty-first day of March, nineteen ndred and twenty-five, it shall be by virtue of this tion dissolved from and after the last-mentioned day.

(3) If the Company fails to furnish to the Registrar or before the thirty-first day of March, nineteen hun-d and twenty-five, the statement and copies of uments required to be furnished under this Act, the mpany shall (whether or not it was included in the tement and notification mentioned in sub-section (2) his section) be dissolved by virtue of this section n and after the said day.

Any Company so dissolved is in the following provis-s of this section referred to as "a dissolved Company."

(4) A dissolved Company, or any former member reditor thereof, may apply to the court to have the olved Company replaced on the register, and the court order that the name of the dissolved Company be ored to the register, and thereupon the dissolved mpany shall be deemed to have continued in existence n the date of its original registration; and the uirements of this Act with respect to the furnishing tatements and copies of documents to the Registrar, the provisions thereof which impose penalties for ure to comply with those requirements, shall again y to such Company.

The court may by any such order give such direc-s and make such provision as seem just for placing dissolved Company and all other persons as nearly nay be in the same position as if the dissolved Com-y had remained registered from the date of its original tration.

(5) If a dissolved Company purports to continue rry on business or to be in operation after the thirty day of March, nineteen hundred and twenty-as if duly registered, any person to whom the dis-ed Company would have been under a liability rred after the said date, had it continued to be duly tered, shall be deemed to be a creditor of the dissolved pany for the purposes of this section, if at the time such liability would have been incurred as aforesaid,

Digitized by Google

he did not know that such Company had become a dissolved Company.

6.—(1) Where it is shown, to the satisfaction of the Registrar, that the Company has employed a solicitor or professional accountant to prepare and file the particulars and documents required to be furnished to the Registrar under this Act, the Ministry of Commerce for Northern Ireland may, upon the certificate of the Registrar, and in accordance with regulations made under this section, pay to such solicitor or accountant out of moneys provided by Parliament, the amount of his fee for services rendered to the Company in connection with such preparation and filing:

Provided that no fee shall be paid as aforesaid in respect of the Company, unless it has complied with the requirements of this Act on or before the thirty-first day of March, nineteen hundred and twenty-five, nor until the certificate of the Registrar that those requirements have been so complied with has been issued.

(2) The amounts of the fees to be paid under this section shall be such as may be fixed by regulations made by the said Ministry of Commerce, with the approval of the Ministry of Finance for Northern Ireland, and shall be payable subject to such conditions as may be prescribed by those regulations.

7.—(1) In this Act, unless the context otherwise requires:—

The expression "Registrar" means the officer appointed by the Government of Northern Ireland as Registrar of Joint Stock Companies for Northern Ireland.

The expression "the court" means the Supreme Court or any Division, Court or Judge thereof.

The expression "appointed day" means the first day of January, nineteen hundred and twenty-two.

(2) This Act may be cited as the Companies (Reconstitution of Records) Act (Northern Ireland), 1923.

FIRST SCHEDULE.

Companies whose records do not require to be reconstituted.

Dromore Gas Company.
Irish Cider Company, Limited.
Robertson & Thompson, Limited.

Digitized by Google

FORM A.

PARTICULARS OF THE COMPANY Limited.

Section I. (2).

as on 25th May, 1921.

Particulars of Name and Constitution of Company.

Name of Company.	
Registered Office.	
Former Name of Company (if name has been changed by Licence). Date of change.	
Date of Incorporation under the Companies Acts.	
The Company is constituted and regulated by [Memorandum and Articles of Association (with Special Resolution or Order of Court, if any, affecting the Memorandum or Articles of Association) Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement or other instrument as the case may be].	of which a true copy is annexed duly authenticated by the Seal of the Company.
Class of Company— (a) whether limited or unlimited. (b) whether limited by shares or by guarantee. (c) if limited by guarantee, is there a share capital ? (d) if unlimited, is there a share capital ?	
Nominal Capital of Company at date of Incorporation under the Companies Acts.	
Dates and amounts of subsequent increases of nominal capital.	Date Amount, £.....
Reductions of Capital.	Date Amount How effected
(a) Has any liquidator been appointed ? (b) Has any receiver been appointed ? State name and address of liquidator or receiver, date of appointment, and whether still acting. If not acting, state date of ceasing to act.	
Has the Company at any time passed any Special Resolution or Extraordinary Resolution ? If so, state the date and description of each resolution and attach copies duly authenticated by the Seal of the Company.	

Digitized by Google

PARTICULARS OF THE COMPANY.

Limited.

as on 25th May, 1921.

13.

Particulars of Share Capital.

Nominal Share Capital, £.....Divided into.....shares of £.....each.

Total number of shares taken up to the 25th day of May, 1921.....

Number of shares issued subject to payment wholly in cash.....

Number of shares issued as fully paid up otherwise than in cash.....

Number of shares issued as partly paid up to the extent of .....per share otherwise than in cash. .....

There has been called up on each of..... shares .....£.....

„ „ „ „ ..... „ .....£.....

„ „ „ „ ..... „ .....£.....

Total amount of calls received, including payments on application and allotment. £.....

Total amount, if any, agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash. £.....

Total amount, if any, agreed to be considered as paid on .....shares which have been issued as partly paid up to the extent of.....per share otherwise than in cash. £.....

Total amount of calls unpaid. £.....

Total amount, if any, paid on.....shares forfeited. £.....

14.

Particulars of Contracts entered into by the Company providing for the allotment of shares for a consideration other than cash.

Date of Contract.	Names of Parties.	Consideration passing to the Company.	Particulars of shares allotted for such consideration.

Digitized by Google

Particulars of Mortgages or Charges created by the Company.

Mortgages or Charges created prior to 1st July, 1908, which would have required registration if created on or after that date, but excluding those required to be registered under Section 14 of the Companies Act, 1900.

tal amount outstanding at 1st July, 1908, £.....

tal amount outstanding at 25th May, 1921, £.....

Registered Mortgages or Charges created on or after 1st January, 1901 (except Debentures of a series).

Date of creation and description of Mortgage or Charge.

Date of Registration.

Particulars of the Amount.

(a) Amount created, £.....

(b) Amount outstanding on 25th May, 1921, £.....

Short particulars of the property Mortgaged or Charged.

Names of the Mortgagees or persons entitled to the charge

Satisfactions registered. Amount and date of registration.

Particulars relating to Debentures of a series ranking *pari passu*, created on or after 1st January, 1901.

Date of Creation.

Total amount secured by a series of Debentures.

Date of the Resolution authorising the issue of the series.

Date and Amount of each issue of the series

(a) Date.

(b) Amount.

Amount paid off and cancelled.

Amount outstanding on 25th May, 1921.

Date of the covering deed (if any);

General description of the property charged.

Names of the Trustees for the Debenture holders.

Satisfactions registered.

Digitized by Google

16.

Names, &c., of the Directors on 25th May, 1921.

Name in full.	Usual Residence.	Nationality.	Other business Occupation(s) (if any)

17.

Additional Particulars to be furnished by a Private Company.

(A) 1. Was the Company a Private Company *at the date of its incorporation* ?

2. If the clauses necessary to constitute the Company a "Private" Company were not included in the Articles of Association of the Company at the date of incorporation, state the date of the Special Resolution converting it into a Private Company.

(B) If the Company was incorporated on or after 1st January, 1901, and was not a private company at the *date of Incorporation*, the following particulars should be furnished:

1. Has the Company at any time issued any invitation to the public to subscribe for any of its shares ?
2. Date of Prospectus offering Shares for Public Subscription.
3. Amount of Share Capital *first* offered for Public Subscription.
4. Minimum subscription fixed by Memorandum or Articles and named in the Prospectus or Statement in lieu of Prospectus.
5. Amount of subscribed Capital upon which the Company proceeded to the first allotment of Shares payable wholly in cash.
6. Date of certificate entitling Company to commence business.

Digitized by Google

itional Particulars to be furnished by a Company not being a Private Company at 25th May, 1921, and incorporated on or after 1st January, 1901.

Has the Company *at any time* issued any invitation to the public to subscribe for any of its Shares or Debentures ?	
Date of Prospectus offering Shares or Debentures for Public Subscription.	
Amount of Share Capital first offered for Public Subscription.	
Amount of Debentures offered for Public Subscription.	
Minimum subscription fixed by the Memorandum or Articles and named in the Prospectus or Statement in lieu of Prospectus.	
Amount of Subscribed Capital upon which the Company proceeded to the first allotment of shares payable wholly in cash.	
Date of certificate entitling the Company to commence business.	
Has the Company been at any time a Private Company ?	
If so, state when it was converted into a Public Company.	
Total amount (if any) paid by way of commission in respect of Shares or Debentures, or allowed by way of discount on Debentures.	

19.

dule of the documents lodged in verification of the foregoing particulars or by way of supplement thereto.

of Document.	Description of Documents.	Observations.
	(*Original Certificate of Incorporation.*)	(*For inspection only.*)

Digitized by Google

923. The Common Seal of the Company was hereunto affixed this day of 192 , in the presence of :—

} Directors.

) Secretary.

STATUTORY DECLARATION.

We (*one or more directors and secretary or manager*), solemnly and sincerely declare that the foregoing particulars are true, and that the documents lodged herewith and specified in Part 19 of this Form are true copies of the documents of which they respectively purport to be copies, and that the Company has not been dissolved or struck off the Register, nor has any order been made or Resolution passed for the winding-up of the said Company.

And we make this Declaration, &c., &c.

Declared by the above-named, &c.

.....

Digitized by Google

FORM B.

CERTIFICATE under the Companies (Reconstitution of Records) t (Northern Ireland), 1923, that a Company has complied with the uirements of that Act.

I HEREBY CERTIFY, that the.....

.....

ich was incorporated under the Companies Act.....on the .....day of 19....., has filed in the prescribed form the particulars uired by the Companies (Reconstitution of Records) Act (Northern and), 1923.

Given under my hand this.....day of.....

e Thousand Nine Hundred and.....

.....

Registrar of Joint Stock Companies
for Northern Ireland.

Digitized by Google

3.

An Act to amend the Law relating to Promissory Oaths in its application to Northern Ireland.

[10th May, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

f
n
ient
ient.

1.—(1) Every person who is at the passing of this Act either—

(*a*) an officer serving in an established capacity in the civil service of the Government of Northern Ireland ; or

(*b*) otherwise employed on full time duties in or by any department or by any authority of that Government

shall, before the first day of July, nineteen hundred and twenty-three, or before such later date as may in any special case be allowed by the Ministry of Finance for Northern Ireland, and every person who after the passing of this Act is admitted to serve as such an officer, or is taken into such employment as aforesaid, shall, within one month after he is so admitted or taken into employment, take an oath in the form prescribed by the Schedule to this Act

(2) Without prejudice to the power of any other persons to administer an oath, the oath by this Act required to be taken may be administered to the persons required to take the same by any Resident Magistrate in Northern Ireland, or by the permanent head of the department to which the person required to take the oath belongs, or by such other superior officers of the department as the permanent head thereof may designate for the purpose, such permanent head or other superior officers being themselves officers serving in an established capacity in the said civil service who have taken such oath.

(3) For the purpose of securing compliance with the requirements of this Act, a record shall be kept by every department or authority of the said Government of the persons by whom the oath is taken under this Act.

Digitized by Google

ffirmation as respects a person who is permitted by law o make a solemn affirmation instead of taking an oath.

(5) The said Ministry of Finance shall have power o apply the provisions of this section to such persons mployed on part-time duties in or by any department, r by any authority, of the said Government as that Ministry thinks fit.

Taking of oath by School Teachers.

2.—(1) This Act shall apply to every person who, on r after such date as may be determined by the said Ministry of Finance, after consultation with the Ministry f Education for Northern Ireland, is employed or taken nto employment as a school teacher, in like manner as it pplies to a person employed in a department of the Government of Northern Ireland, except that the time vithin which the requirements of this Act are to be com- lied with by a school teacher shall be such time as may e determined as aforesaid.

(2) For the purposes of this section, the expression school teacher" means a teacher in any national, ublic elementary, or other school in Northern Ireland o or in respect of which any grant is payable out of noneys provided by Parliament or any aid is given from unds raised by means of local rates, whether by way of alary to such teacher or otherwise.

Short title.

3. This Act may be cited as the Promissory Oaths ct (Northern Ireland), 1923.

SCHEDULE.

Section 1.

FORM OF OATH.

.....

.....

vear by Almighty God that I will render true and faithful allegiance nd service to His Majesty King George the Fifth, His heirs and uccessors according to Law and to His Government of Northern eland.

Digitized by Google

An Act to amend the law in Northern Ireland with respect to offences against persons under the age of sixteen, and with respect to penalties under section thirteen of the Criminal Law Amendment Act, 1885. [10th May, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

1. It shall be no defence to a charge or indictment for an indecent assault on a child or young person under the age of sixteen to prove that he or she consented to the act of indecency.

2. Reasonable cause to believe that a girl was of or above the age of sixteen years shall not be a defence to a charge under sub-section (1) of section five or under section six of the Criminal Law Amendment Act, 1885 (in this Act referred to as "the principal Act"). The limit of time mentioned in the second proviso to section five of the principal Act, as amended by section twenty-seven of the Prevention of Cruelty to Children Act, 1904, shall be nine months after the commission of the offence.

3. Any person who is convicted of an offence against section thirteen of the principal Act (which relates to summary proceedings against brothel keepers, &c.) shall be liable on summary conviction—

(*a*) to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding three months; and

(*b*) on a second or subsequent conviction, to a fine not exceeding two hundred and fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months;

or, in any such case, to both fine and imprisonment.

Digitized by Google

arliament of the United Kingdom shall be construed as eferences to those Acts as they apply to Northern Ire- nd, under and subject to the provisions of the Govern- ent of Ireland Act, 1920, and any enactments amending ne same, and of any order made by His Majesty in ouncil in pursuance of the last-mentioned Act or enact- ents, whether made before or after the passing of this ct.

Construction, repeal and short title.

10 & 11 Geo. 5., c. 67.

(2) The enactments mentioned in the first and second olumns of the Schedule to this Act shall be repealed as spects Northern Ireland to the extent specified in the ird column of that Schedule.

(3) This Act may be cited as the Criminal Law mendment Act (Northern Ireland), 1923; and the riminal Law Amendment Acts, 1885 to 1912, and this ct may, to the extent to which they apply to Northern eland, be cited together as the Criminal Law Amend- ent Acts (Northern Ireland), 1885 to 1923.

SCHEDULE.

Section 4 (2).

sion and Chapter.	Short Title.	Extent of Repeal.
& 44 Vict. c. 45.	The Criminal Law Amendment Act, 1880.	The whole Act.
& 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	The first proviso to section five; the proviso to section six; section thirteen so far as it relates to penalties and terms of imprisonment.
3 Geo. 5. c. 20.	The Criminal Law Amendment Act, 1912.	Subsections (2) and (3) of section four.

Digitized by Google

An Act to amend the Law of Evidence in its application to Northern Ireland.

[10th May, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows :—

1. Every person charged with an offence, and the wife or husband, as the case may be, of the person so charged shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person: Provided as follows :—

(*a*) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application :

(*b*) The failure of any person charged with an offence, or of the wife or husband, as the case may be of the person so charged, to give evidence shall not be made the subject of any comment by the prosecution :

(*c*) The wife or husband of the person charged shall not, save as in this Act mentioned, be called as a witness in pursuance of this Act except upon the application of the person so charged :

(*d*) Nothing in this Act shall make a husband compellable to disclose any communication made to him by his wife during the marriage, or a wife compellable to disclose any communication made to her by her husband during the marriage :

(*e*) A person charged and being a witness in pursuance of this Act may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged :

Digitized by Google

pursuance of this Act shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then charged, or is of bad character, unless—

(i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged;

(ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution; or

(iii) he has given evidence against any other person charged with the same offence:

(*g*) Every person called as a witness in pursuance of this Act shall, unless otherwise ordered by the court, give his evidence from the witness box or other place from which the other witnesses give their evidence:

(*h*) Nothing in this Act shall affect the provisions of section fourteen of the Petty Sessions (Ireland) Act, 1851, or any right of the person charged to make a statement without being sworn. 14 & 15 Vict. c. 93

Evidence of person charged.

2. Where the only witness to the facts of the case alled by the defence is a person charged, he shall be alled as a witness immediately after the close of the vidence for the prosecution.

Right of reply.

3. In cases where the right of reply depends upon ne question whether evidence has been called for the efence, the fact that the person charged has been called s a witness shall not of itself confer on the prosecution he right of reply.

Digitized by Google

an offence under any enactment mentioned in the First Schedule to this Act may be called as a witness either for the prosecution or defence and without the consent of the person charged.

(2) Nothing in this Act shall affect a case where the wife or husband of a person charged with an offence may at common law be called as a witness without the consent of that person.

5.—(1) This Act shall apply to all criminal proceedings, notwithstanding any enactment in force at the commencement of this Act, except that nothing in this Act shall affect the Evidence Act, 1877.

(2) This Act shall come into operation on the thirtieth day of June, nineteen hundred and twenty-three.

(3) References in this Act to any Acts of the Parliament of the United Kingdom shall be construed as references to those Acts as they apply to Northern Ireland, under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act, and subject to the provisions of any amending enactments contained in any Act of the Parliament of Northern Ireland.

(4) The enactments mentioned in the Second Schedule to this Act are hereby repealed, as respects Northern Ireland, to the extent specified in that Schedule.

6. This Act may be cited as the Criminal Evidence Act (Northern Ireland), 1923.

Digitized by Google

FIRST SCHEDULE.

Section 4 (1).

ssion and Chapter.	Short Title.	Enactments referred to
4 & 25 Vict. c. 100	The Offences against the Person Act, 1861.	Sections forty-eight, fifty-two, fifty-three, fifty-four and fifty-seven.
4 & 35 Vict. c. 112	The Prevention of Crimes Act, 1871.	The enactment applying to Northern Ireland the enactment of section four of the Vagrancy Act, 1824, punishing a man for neglecting to maintain or deserting his wife or any of his family.
5 & 46 Vict. c. 75	The Married Women's Property Act, 1882.	Section twelve and Section sixteen.
8 & 49 Vict. c. 69	The Criminal Law Amendment Act, 1885.	The whole Act.
Edw. 7, c. 15	The Prevention of Cruelty to Children Act, 1904.	The whole Act so far as unrepealed.
Edw. 7 c. 24	The Summary Jurisdiction (Ireland) Act, 1908.	The whole Act.
Edw. 7 c. 45	The Punishment of Incest Act, 1908.	The whole Act.
Edw. 7 c. 67	The Children Act, 1908.	Part II. and the First Schedule.
& 3 Geo. 5, c 20	The Criminal Law Amendment Act, 1912.	Section Seven.
& 4 Geo. 5, c. 7	The Children (Employment Abroad) Act, 1913.	The whole Act.
& 11 Geo. 5, c. 30	The Unemployment Insurance Act, 1920	The whole Act amended by any subsequent enactment.

Digitized by Google

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
47 & 48 Vic., c. 14	The Married Women's Property Act, 1884.	The whole Act.
48 & 49 Vic., c. 69	The Criminal Law Amendment Act, 1885.	Section twenty.
3 Edw. 7, c. 36	The Motor Car Act, 1903.	Sub-Section (4) of Section nineteen.
4 Edw. 7, c. 15	The Prevention of Cruelty to Children Act, 1904.	Section twelve.
8 Edw. 7, c. 24	The Summary Jurisdiction (Ireland) Act, 1908.	Section twelve.
8 Edw. 7, c, 67	The Children Act, 1908.	Section twenty-seven and Sub-Section (28) of Section one hundred and thirty-three.
2 & 3 Geo. 5, c. 20	The Criminal Law Amendment Act, 1912.	Sub-Section (6) of Section seven.
3 & 4 Geo. 5, c. 7	The Children (Employment Abroad) Act, 1913	Sub-Section (4) of Section three.
12 & 13 Geo. 5, c. 5	The Civil Authorities (Special Powers) Act (Northern Ireland) 1922.	Sub-Section (7) of Section two.

CHAPTER 10.

An Act to amend the Law with respect to Road Expenditure in Northern Ireland, and the procedure in connection therewith.

[10th May, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Digitized by Google

situate in a rural county district shall be leviable—

Amendment of law as to expenses of maintaining roads.

(*a*) wholly off so much of the administrative county as comprises all the rural districts therein, if the road is classified by the Ministry of Home Affairs for Northern Ireland (in this Act referred to as "the Ministry of Home Affairs") under sub-section (2) of section seventeen of the Ministry of Transport Act, 1919, as a first class road, or as a second class road;

(*b*) wholly off the rural county district in which the road is situate, if the road is classified as aforesaid as a third class road.

(2) Section eight of the Local Government (Ireland) Act, 1898 (in this Act referred to as "the principal Act") and any other enactments relating to the expenses and determination by county councils of main roads are hereby repealed.

61 & 62 Vict. c. 37.

(3) Notwithstanding anything contained in the principal Act, no application shall be made to, nor shall any proceedings be taken by, a rural district council in connection with the maintenance of a road situate in their district, if the road is classified as aforesaid as a first class road or as a second class road.

(4) The expenses of the maintenance of any road situate in an urban county district shall be leviable wholly off that district:

Provided that the Ministry of Home Affairs may, if application is made to it by the council of any county or urban county district, make an order, after such local inquiry as that Ministry deems necessary, determining what sum, if any, should be annually contributed by way of adjustment to or by the council of any such county or district in connection with the expenses of maintaining the roads in the said county or district which are classified as aforesaid as first class roads or as second class roads.

Extension of power to make advances under 9 Edw. 7, c. 47 and 10 & 11 Geo. 5, c. 72 and removal of limit upon road expenditure in rural districts.

2.—(1) The Ministry of Home Affairs shall have power to make advances to the council of an urban county district under and for the purposes of Part II. of the Development and Road Improvement Funds Act, 1909, as amended by the Roads Act, 1920, and the definition of the expression "highway authority" contained in section seventeen of the first-mentioned Act shall be extended accordingly.

Digitized by Google

principal Act is hereby repealed.

(3) The Ministry of Home Affairs may, if application is made to it by the council of any county after such public notice as may be prescribed by regulations under this Act, make an order after such local inquiry as that Ministry deems necessary, directing that, for the purpose of repair or reconstruction, a road may be closed to public traffic within such limits, for such period, and subject to such conditions as may be specified in the order.

lations pro- e of ils.

3.—(1) The Ministry of Home Affairs shall have power to make regulations respecting the procedure of county and district councils in connection with their business under the principal Act and any other enactments (including this Act) in relation to roads and other public works, or in connection with any other similar business transferred by law to those councils from presentment sessions and grand juries, and by any such regulations to annul or vary the Local Government (Procedure of Councils) Order, 1899 (as amended by any Provisional Order confirmed by Act of Parliament) or any provision thereof.

64 c. 41.

(2) The Local Government (Ireland) (No. 2) Act, 1900, is hereby repealed.

title, ruction om- ement t.

4.—(1) This Act may be cited as the Local Government (Roads) Act (Northern Ireland), 1923.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments whether made before or after the passing of this Act.

(3) This Act shall come into operation on the passing thereof:

Provided that nothing therein contained shall affect the making or levying of any local rate or the chargeability of the expenses of the maintenance of any road, so far as respects the local financial year beginning on the first day of April, nineteen hundred and twenty-three.

Digitized by Google

An Act to amend the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922, relating to special periods, the period of benefit and the conditions for the receipt of benefit, to provide for continuing the existing rates of benefit and for making consequential alterations in the rates of contributions, to increase the total amount of advances which may be made by the Ministry of Finance for the Northern Irish unemployment fund, and otherwise to amend the said Acts. [30th May, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Prolongation of fourth special period. 12 & 13 Geo. 5, c. 7.

1. The fourth special period defined in section three of the Unemployment Insurance Act (Northern Ireland), 1922 (in this Act referred to as "the Act of 1922"), shall be extended so as to terminate on the seventeenth day of October, nineteen hundred and twenty-three, instead of on the first day of July, nineteen hundred and twenty-three, and the provisions of the said Act relating to benefit within the fourth special period shall have effect subject to the following modifications:—

(1) The periods for which a person may be authorised to receive benefit shall be periods not exceeding in the aggregate forty-four weeks:

(2) Notwithstanding anything in any Act, when and so often as a person has received benefit in the fourth special period for periods which the Ministry of Labour for Northern Ireland (in this Act referred to as "the Ministry") is hereby empowered to determine, that person shall cease to be qualified for the receipt of further benefit during the fourth special period until the expiration of such intervening periods

Digitized by Google

of one week as may be fixed by the Ministry, but so that the number of such intervening periods shall not exceed six in the aggregate reckoned as from the commencement of this Act.

(3) Notwithstanding anything in any Act, no person shall, except by virtue of an authorisation given by the Ministry under section four of the Act of 1922 as amended by this Act, receive benefit in the fourth special period for periods amounting in the aggregate to more than twenty-six weeks, and no person shall, whether by virtue of such an authorisation as aforesaid or otherwise, receive benefit in the fourth special period for periods amounting in the aggregate to more than forty-four weeks.

(4) Where a disabled person, as defined by sub-section (1) of section nine of the Unemployment Insurance Act, 1921, is in the opinion of the Ministry by reason of his disability unable to undertake whole-time employment, the Ministry may, notwithstanding the provisions of paragraph (b) of sub-section (3) of section four of the Act of 1922, authorise that person to receive benefit.

2.—(1) Subject to the provisions of this section, the Ministry shall have the same power to authorise the receipt of benefit during the first benefit year as hereinafter in this Act defined, as it has to authorise the receipt of benefit during the fourth special period, and references in the Act of 1922 to the authorisation and receipt of benefit under that Act shall apply accordingly:

Provided that the periods for which a person may be authorised by the Ministry under section four of the Act of 1922 as applied by this section to receive benefit in the first benefit year shall be periods not exceeding in the aggregate twenty-six weeks, and notwithstanding anything in any Act no person shall, whether as being so authorised or otherwise, be entitled to receive benefit in the first benefit year for periods amounting in the aggregate to more than twenty-six weeks.

(2) Notwithstanding anything in any Act, when and so often as a person has received benefit in the first benefit year for periods which the Ministry is hereby

Digitized by Google

empowered to determine, that person shall cease to be qualified for the receipt of further benefit during the first benefit year until the expiration of such intervening periods as may be fixed by the Ministry.

Definition of "year" for the purpose of receipt of benefit. 10 & 11 Geo. 5, c. 30.

3.—(1) Paragraph 2 of the Second Schedule to the Unemployment Insurance Act, 1920 (in this Act referred to as "the principal Act"), which as amended by section four of the Unemployment Insurance Act, 1921, provides that no person shall within any insurance year receive benefit for a period of more than twenty-six weeks or such other period as may be prescribed, shall have effect as though a reference to a benefit year were substituted therein for the reference to an insurance year.

(2) Subject as hereinafter provided, the first benefit year shall be the year beginning on the eighteenth day of October, nineteen hundred and twenty-three, and ending on the fifteenth day of October, nineteen hundred and twenty-four, and every subsequent benefit year shall be a period beginning on the day following the expiration of the previous benefit year and ending on the Wednesday nearest to the sixteenth day of October in the next following calendar year:

Provided that the Ministry may from time to time, if it thinks fit, by regulation direct that the benefit year shall begin or end on some date other than the date for which provision is made by this sub-section, and so that any benefit year may be a greater or less period than twelve months, and for the purpose of meeting any change thereby effected in the benefit year, the Ministry may with the consent of the Ministry of Finance for Northern Ireland make such corresponding variation as regards the number of weeks of benefit which may be received within any benefit year as appears to the first-mentioned Ministry to be proper.

Rates of benefit and rates of contribution.

4.—(1) Section one of the Act of 1922, which provides for an increase in the rate of benefit in respect of dependants, and which as originally enacted is to continue in operation so long only as the rates of contribution fixed by that Act remain in force, shall continue in force after the end of the deficiency period.

(2) Notwithstanding any enactment to the contrary, the rates of contribution in force at the commencement of this Act shall remain in force after the end of the deficiency period until such date as the Ministry may by

Digitized by Google

order prescribe, but not being a date later than the first day of the insurance year commencing next after the end of the deficiency period, and after the date so prescribed the contributions payable by employed persons and their employers shall be at such reduced rates to be prescribed by regulations made by the Ministry with the consent of the said Ministry of Finance, but not in any case exceeding the rates set out in the First Schedule to this Act, as appear to the first-mentioned Ministry from time to time to be necessary for the purpose of providing for the payment of benefit at the rates in force at the date aforesaid, and the contribution to be made out of moneys provided by Parliament shall be at a rate equal to one-fourth of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, or in the case of an exempt person, paid by his employer, and sub-sections (3) and (7) of section five of the principal Act shall have effect accordingly.

(3) Nothing in this section shall affect the provisions of sections fifteen and sixteen of the principal Act, which provide respectively for securing the solvency of the Northern Irish unemployment fund and for a periodical revision of the rates of contribution.

5. The Unemployment Fund Act (Northern Ireland), 1922, shall have effect as if, in the proviso to sub-section (1) of section one thereof, one million five hundred thousand pounds were substituted for one million pounds as the limit on the total amount of advances which may be made under that Act by the Ministry of Finance for discharging the liabilities of the Northern Irish unemployment fund.

6.—(1) Any three days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of less than three weeks shall be treated as one continuous period of unemployment; and the expression "continuously unemployed" shall be construed accordingly.

(2) The Ministry may by regulations provide for the transition from the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922, to the provisions of this section, and prescribe that a period of consecutive days shall for the purposes of this section begin or end on such day as may be prescribed, and that such a period may be inclusive or exclusive of Sundays.

Digitized by Google

(3) This section shall be deemed to have come into operation on the twelfth day of April nineteen hundred and twenty-three.

Amendment of Second Schedule (5) of Principal Act.

7. The following shall be substituted for paragraph five of the Second Schedule to the principal Act :—

"5. A period of unemployment shall not be deemed to commence until the date on which the insured contributor makes application for unemployment benefit in the prescribed manner :

Provided that regulations may be made under this Act for allowing some earlier date to be substituted for the date of application in cases in which good cause is shown for delay in making application."

Recovery of sums improperly received by way of benefit.

8.—(1) Where any person is liable to repay to the Northern Irish unemployment fund any sum received by him by way of benefit, that sum may, unless that person shows that the sum was received by him in good faith and without knowledge that he was not entitled thereto, be recovered, without prejudice to any other remedy, by means of deductions from any benefit to which that person thereafter becomes entitled.

(2) If a question arises whether any person is liable under the provisions of this section to have a deduction made from benefit due to him that question shall be determined in the same manner as a claim for benefit.

Power to adapt special schemes to the provisions of this Act.

9. For the purpose of securing in the case of a special scheme that like rates of benefit shall be payable to the person to whom the scheme applies as are payable under this Act, and that the benefits under the scheme shall otherwise be not less favourable than those provided by the general provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922, (but for no other purposes), the Ministry may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in section eighteen of the principal Act, by order vary or amend the provisions of the scheme, and any such order may provide for consequential amendments as to the rates of contributions and otherwise.

Amendment of s. 28 (1) of principal Act.

10. Sub-section (1) of section twenty-eight of the principal Act (which contains provisions as to return of contributions) shall have effect as if for the words "the deduction of any amount received by him in respect of unemployment benefit to which he would not have been entitled if those contributions had not been paid" there

Digitized by Google

were substituted the words "the deduction from the total of those contributions of any amount received by him in respect of unemployment benefit to which he would not have been entitled if his employment had not been erroneously treated as insurable under the said general provisions."

11. The provisions of section thirty-three of the principal Act, in pursuance of which the Ministry has power to make regulations for applying, with the necessary adaptations, as respects unemployment insurance stamps the provisions of certain enactments specified in the said section, shall have effect as though section nine of the Stamp Act, 1891, and any enactments amending the last-mentioned section, were included among the enactments so specified.

12.—(1) Notwithstanding anything in any Act, it shall not be necessary for the Ministry at any time before the beginning of the second benefit year to require any association to make, for the purposes of proviso (*a*) to sub-section (1) of section seventeen of the principal Act, any greater provision for unemployment benefit than would have been required to be made for those purposes under the principal Act as originally enacted.

(2) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in that Schedule.

(3) This Act may be cited as the Unemployment Insurance Act (Northern Ireland), 1923, and shall be construed as one with the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922, and those Acts and this Act may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1923, and any reference in this Act to the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922, or to any of those Acts, or to any provision of any of those Acts, shall—

(*a*) unless the context otherwise requires, be construed as a reference to those Acts, that Act, or that provision, as amended by this Act; and

(*b*) be construed as a reference to those Acts, that Act, or that provision, as applying to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

Digitized by Google

FIRST SCHEDULE.

MAXIMUM RATES OF CONTRIBUTION.

Section 4(2).

ORDINARY RATES.

From the employed person in each week—

In the case of men	6*d.*
„ „ women	4*d.*

From the employer for each week—

In the case of employed persons being men ..	6*d.*
„ „ „ „ „ women ..	5*d.*

RATES IN CASE OF PERSONS UNDER 18.

From the employed person in each week—

In the case of boys	3*d.*
„ „ girls	2*d.*

From the employer for each week—

In the case of employed persons being boys ..	3*d.*
„ „ „ „ „ girls ..	2½*d.*

Digitized by Google

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 30	The Unemployment Insurance Act, 1920	Paragraph (b) of subsection (2) of section seven.
11 Geo. 5. c. 1.	The Unemployment Insurance Act, 1921.	Section two so far as unrepealed.
11 & 12 Geo. 5. c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	Section two.
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act (Northern Ireland), 1922.	Sub-section (4) of section one; paragraph (b) of sub-section (1) and sub-section (5) of section four; in paragraph (a) of sub-section (1) of section six the words from "or where the benefit" to "within the fourth special period," and, as from the end of the fourth special period, sub-section (2) of that section.
12 & 13 Geo. 5. c. 17.	The Unemployment Insurance (Amendment) Act (Northern Ireland), 1922.	The whole Act.

Digitized by Google

An Act to make provision for the closing on Sunday and Christmas Day of certain premises licensed for the sale of intoxicating liquor, the abolition of certain off-licences, and the settlement of claims for compensation arising thereout; to impose restrictions on the sale of methylated spirits; and to amend the law relating to the sale and supply of intoxicating liquor by retail; and for purposes connected therewith.

[15th June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Closing of licensed premises on Sunday and Christmas Day.

1.—(1) It shall not be lawful for any person at any time on Sunday or Christmas Day—

(*a*) to sell or expose for sale intoxicating liquor; or

(*b*) to open or keep open any premises for the sale of intoxicating liquor:

Provided that nothing in this sub-section shall apply to the sale of intoxicating liquor in an hotel, where such liquor is sold to a guest or traveller who has lodged for the preceding night, or has in writing engaged a room for the succeeding night, in the hotel, for consumption by him at the same time as a substantial meal, in a portion of the hotel premises usually set apart for the service of such meals.

(2) All drinking bars in hotels shall be kept closed during the whole of Sunday and Christmas Day.

(3) For the purposes of this section the expression "hotel" means premises licensed for the sale of intoxicating liquor by retail, which are structurally adapted to be used and are bonâ fide used for the purpose of the reception of guests and travellers desirous to sleep in the premises, and which contain at least four apartments set apart and used exclusively for the sleeping accommodation of guests or travellers.

Digitized by Google

intoxicating liquor by retail, which forbid the doing of any act, matter or thing at any times during which such sale is prohibited by those Acts, shall be construed as if the times during which such sale is so prohibited included the whole of Sunday and Christmas Day; and the penalties in force under the said Acts shall be applicable to cases in which any such act, matter or thing is done in contravention of the provisions of this section.

of

2.—(1) Notwithstanding the provisions of any enactments with respect to the grant or renewal of licences for the sale by retail for consumption off the premises of spirits, wine, liqueurs, beer or other intoxicating liquor, no licence, nor any renewal of a licence, for the sale of any such intoxicating liquor by retail for consumption as aforesaid shall be granted, held, or remain in force after the thirtieth day of September, nineteen hundred and twenty-three, in respect of any premises in which or in any part of which any trade other than the sale of any such intoxicating liquor, or of table waters, is carried on; and from and after the said date it shall not be lawful for any person to carry on, in any part of any premises licensed for the sale of intoxicating liquor by retail for consumption as aforesaid, any trade other than such sale or the sale of table waters:

Provided that, notwithstanding anything in this section, a licence for such sale which is in force on the thirtieth day of September, nineteen hundred and twenty-three, shall, if application is made to the licensing court for the certificate required for the renewal of such licence, be deemed to continue in force until the licensing court has given its decision upon the application, but shall not in any case continue in force after the thirty-first day of March, nineteen hundred and twenty-four, unless renewed in accordance with the provisions of this Act and, until the licensing court has given such decision or until the last-mentioned date, whichever may sooner occur, any trade, which might apart from this section have been lawfully carried on in the premises, may be there carried on.

(2) At the annual licensing sessions held next after the passing of this Act the licensing court shall be at liberty to refuse a certificate for the renewal of a licence to which this section applies, if the court is satisfied that

Digitized by Google

number of premises licensed for the sale of intoxicating liquor by retail (whether for consumption on or off the premises) which are situate in the same district electoral division or ward as the premises in respect of which such certificate is applied for; and, for the purpose of deciding any application for such certificate, the licensing court shall be at liberty to hear, receive and act upon any evidence, either in support of such refusal or in aid of the application, made or tendered by any resident or owner of property in such ward or district electoral division respecting the number of premises licensed for the sale of intoxicating liquor as aforesaid, the character of the applicant, or the suitability of the premises in respect of which such certificate is applied for.

(3) Upon any application for a certificate for the renewal of a licence for the sale of intoxicating liquor by retail for consumption off the premises, it shall be a ground of objection to such certificate that the applicant is carrying on, upon premises adjoining the premises in respect of which the certificate is applied for, a trade or business other than such sale as aforesaid, or is, directly or indirectly, interested in the carrying on of such trade upon those premises; and a police officer shall have power to object accordingly.

Provisions as to claims in respect of non-renewal of certain licence

3.—(1) Compensation shall be payable, in accordance with the provisions hereinafter in this section contained and out of the fund in this section mentioned, in any case where, by reason of the foregoing provisions of this Act with respect to the abolition of certain off-licences, a licence for the sale by retail of intoxicating liquor for consumption off the premises is not renewed at the annual licensing sessions held next after the passing of this Act, and in any case where, by reason of inability to comply with the requirements of this Act with respect to the structural separation of the part of any premfses in which the sale of intoxicating liquor is carried on from the part of those premises in which any other business is carried on, a licence for the sale by retail of intoxicating liquor for consumption on the premises is not renewed at the annual licensing sessions held next after the date when such requirements come into operation.

A licence for the sale by retail of intoxicating liquor for consumption off the premises which, by reason of the provisions of section eight of the Finance Act, 1917, is, at

Digitized by Google

passing of this Act, to be treated as suspended shall, for the purposes of this section but for no other purpose, be deemed to be a licence which is not renewed at the said sessions; and where in any such case a claim for compensation is made, the period of suspension of the licence shall terminate as from the date of the said sessions.

(2) For the purpose of dealing with claims for compensation as aforesaid, there shall be established a tribunal (to be called "the Claims Tribunal"), which shall be constituted in accordance with the provisions of Part I. of the First Schedule to this Act.

(3) The following provisions shall have effect with respect to the powers and duties of the Claims Tribunal under this section:—

(*a*) The Claims Tribunal shall, in dealing with claims for compensation, be governed by the provisions of Part II. of the First Schedule to this Act.

(*b*) The Claims Tribunal shall in each year, unless they certify to the Ministry of Finance that it is unnecessary to do so in any year for the purposes of this section, impose, in respect of all licences for the sale of intoxicating liquor by retail, charges at rates not exceeding, and graduated in the same proportion as, the rates shown in the scale of maximum charges set out in Part III. of the First Schedule to this Act.

(*c*) Charges payable under this section in respect of any licence shall be levied and paid together with, and as part of, the duties on the corresponding excise licence, but a separate account shall be kept by the Ministry of Finance of the amount produced by those charges, and that amount shall in every year be paid over to the Claims Tribunal in accordance with rules made by the Ministry of Finance for that purpose.

(*d*) Any sums paid to the Claims Tribunal under this section shall be placed to the credit of a fund to be called "the Claims Fund."

(*e*) Any moneys expended by the Claims Tribunal in the payment of claims under this Act, or otherwise in the exercise of their powers or the performance of their duties, shall be paid ou of the Claims Fund.

Digitized by Google

(f) The Ministry of Finance may out of the Consolidated Fund of Northern Ireland make advances to the Claims Fund, to be repayable in accordance with rules made by that Ministry, for the purpose of paying any claims arising or expenses incurred by the Claims Tribunal under this section.

(4) The Claims Tribunal shall continue in existence for a period of three years from the thirtieth day of September, nineteen hundred and twenty-three, or for such longer period as the Minister of Finance may determine; and after the Claims Tribunal has ceased to exist this section shall have effect with the substitution of the Ministry of Finance for the Claims Tribunal.

(5) The Ministry of Finance may make rules for carrying into effect the provisions of this section and may, in particular, by those rules prescribe the procedure in connection with applications for claims, the time and manner of making payments in respect of claims and the manner in which the accounts of the Claims Fund are to be kept and audited, and regulate the payment of the expenses of the Claims Tribunal in connection with the exercise of their powers or the performance of their duties.

Restrictions on sale of methylated spirits and ether.

4.—(1) It shall not be lawful for a retailer of methylated spirits to sell such spirits to any person under the age of eighteen years or, without prejudice to the foregoing prohibition, to sell methylated spirits to any person unknown to the seller, unless such person is introduced by some person known to the seller; and on every sale by retail of methylated spirits in a quantity not exceeding one gallon, the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating—

(*a*) the date of sale,

(*b*) the name and address of the purchaser, and the name, address, and occupation of the person by whom the purchaser was introduced,

(*c*) the quantity of the spirits sold, and

(*d*) the purpose for which the spirits are stated by the purchaser to be required,

to which entry the signature of the purchaser, and of the person (if any) who introduced him, shall be affixed, and shall affix to every bottle or vessel containing methy-

Digitized by Google

lated spirits so purchased a label bearing the name and address of the seller and the name and address of the person making the sale. Any person selling, and any person aiding, abetting or effecting, or attempting to effect, the sale of methylated spirits by retail otherwise than in accordance with the provisions of this sub-section, and any person making a false statement to such seller or to an intending seller for the purpose of procuring a sale shall, upon conviction, be liable to a penalty not exceeding five pounds for the first offence, and to a penalty not exceeding twenty pounds for the second or any subsequent offence; and, for the purposes of this sub-section, a person on whose behalf any sale is made by an agent, apprentice or servant shall be deemed to be the seller.

The provisions of this sub-section shall apply to sales of methylated ether in like manner as they apply to sales of methylated spirits.

(2) It shall not be lawful for any officer of excise to grant or renew any licence for the sale of methylated spirits by retail, unless the person applying for the licence produces a certificate as to the fitness of the applicant, granted by a court of summary jurisdiction sitting for the petty sessions district in which the premises are situate where such sale is proposed to be carried on.

Every person who applies for a certificate under this subsection shall give the like notice of the application as is required to be given in the case of an application for a certificate to obtain an excise licence under section nine of the Spirits (Ireland) Act, 1854, and any police officer shall be entitled to object to such certificate in like manner as he may object to a certificate under section ten of the said Act.

Vict.

(3) Any officer of excise, police officer or constable shall have power at all reasonable times to enter into any premises or portion thereof in which methylated spirits are sold, or exposed for sale, by retail, and to require any retailer of methylated spirits, and any agent, apprentice or servant of such retailer, to produce for inspection accounts showing particulars of purchases, sales and stock in hand.

(4) Any person who uses methylated spirits or methylated ether for the purpose of drinking, or who wilfully connives with any person to obtain such spirits or ether for the purpose of drinking, shall be guilty of an offence under this Act.

Digitized by Google

Act, 1901, shall have effect as if in section two the words "under the age of eighteen years" were substituted for the words "under the age of fourteen years." No female under the age of eighteen years shall be employed in the sale or delivery of intoxicating liquors.

Extension of provisions of 1 Edw. 7, c. 27.

Structural arrangement of licensed premises.

6.—(1) Where any business, other than the sale of intoxicating liquor for consumption on the premises, is carried on in any premises licensed for such sale as aforesaid (not being premises structurally adapted for use and bonâ-fide used exclusively as a hotel as hereinbefore in this Act defined, or as a refreshment house, railway refreshment room or restaurant), the part of the premises in which the sale of intoxicating liquor is carried on shall be structurally separated from, and have no internal communication with, the remainder of the building, and nothing shall be sold or offered for sale in such part of the premises as aforesaid except intoxicating liquor, tobacco, table waters, and such food as may be supplied for consumption on the premises.

(2) Upon any application to the licensing court for the certificate required for the grant or renewal of a licence for the sale of intoxicating liquor by retail, whether for consumption on or off the premises, the licensing court may require to be produced before them, and to be deposited with their clerk, a plan of the premises in respect of which the application is made, and on granting or confirming such certificate the licensing court may by order direct that, within a time fixed by the order, such alterations shall be made in the premises as the court thinks reasonably necessary for the following purposes, namely:—

(i) for securing compliance with the requirements of sub-section (1) of this section;

(ii) for securing that no part of any room, which is used for consumption of intoxicating liquor on the premises, is concealed or screened from observation in such a manner as to obstruct proper supervision, and that the premises do not contain any back entrance likely to prevent such supervision; and

(iii) for securing the proper conduct of the business in accordance with the law relating to licensed premises.

Digitized by Google

securing compliance with the requirements of this section shall not of itself be a ground for inclusion of the premises in the lists for revision under the Irish Valuation Acts.

(4) This section shall come into operation on the first day of October, nineteen hundred and twenty-four, and before that date public notice shall be given of the provisions of this section in such manner as the Minister of Home Affairs may direct:

Provided that the provisions of sub-section (2) of this section shall come into operation at the passing of this Act, so far as they affect the renewal of licences for the sale of intoxicating liquor by retail for consumption off the premises.

nent
en-
exist-
as to
s,
tc.

7.—(1) The law relating to the sale and supply of intoxicating liquor by retail, and to the conduct of persons on premises licensed for those purposes, shall be amended and extended by the provisions set out in Part I. of the Second Schedule to this Act.

7, c. 9

(2) The Registration of Clubs (Ireland) Act, 1904, shall be amended by the provisions set out in Part II. of the Second Schedule to this Act.

ure
ce
ord-
on-
for

8.—(1) Any licence for the sale of intoxicating liquor by retail, or methylated spirits by retail, held by any person who is convicted of an offence to which this sub-section applies shall, in addition to any other penalty or forfeiture, be annulled, unless the court by whom the conviction has been made is satisfied that by reason of the existence of extenuating circumstances in connection with the offence the licence ought not to be annulled. The court by which such conviction has been made shall in its order record either the annulment of the licence or the extenuating circumstances.

The offences to which this sub-section applies are—

(*a*) the selling of methylated spirits without being duly licensed or authorised in that behalf, and

(*b*) any offence under section sixteen, seventeen, nineteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, or twenty-eight of the Illicit Distillation (Ireland) Act, 1831.

Vill 4

Digitized by Google

cating liquor by retail is convicted of an offence under this Act (unless the licence is annulled under sub-section (1) of this section) such conviction shall be entered in the proper register of licences and shall be directed to be recorded on the licence of the offender in the same manner, as if the conviction were a conviction to be recorded for an offence against the Acts regulating the sale of intoxicating liquor by retail, unless the court by whom the conviction has been made is satisfied that by reason of the existence of extenuating circumstances in connection with the offence (which circumstances shall be specified in the order of the court), the conviction ought not to be recorded.

(3) If any licensed person, on whose licence there are recorded two convictions for offences committed by him against the Acts relating to intoxicating liquor (including convictions for offences under this Act), is convicted of any offence which is directed by the said Acts or by this Act to be recorded on his licence, the following consequences shall ensue, that is to say :—

(*a*) the licence of such licensed person in respect of the premises in connection with which the conviction was obtained shall be annulled, and the premises in respect of which such licence was granted shall be disqualified for the grant or renewal of a licence ; and

(*b*) when four convictions have, within five years, been recorded against two or more licence holders in respect of the same licensed premises, those premises shall be disqualified for the grant or renewal of a licence.

(4) Nothing in this section contained shall prevent the infliction by the court of any pecuniary penalty or any term of imprisonment to which a licensed person would otherwise be liable.

(5) Sections thirty, thirty-one, and thirty-two of the Licensing Act, 1872, are hereby repealed. 35 & 36 Vict c. 94.

9. The Licensing (Ireland) Act, 1902, is hereby repealed, and the following provisions shall have effect, that is to say :— Restrictions as to the issue of new licences.

Digitized by Google

(a) From and after the passing of this Act no licence shall be granted for the sale of intoxicating liquor, whether for consumption on or off the premises, except—

(i) for premises which are lawfully licensed at the date of the passing of this Act, or which were lawfully licensed at any time since the first day of January, nineteen hundred and twenty; or

(ii) for an hotel, which expression means a house containing at least ten apartments set apart and used exclusively for the sleeping accommodation of travellers, and having no public bar for the sale of intoxicating liquor; or

(iii) for a railway refreshment room.

(b) Where, by reason of the expiration of a lease, a licence for the sale of intoxicating liquor for consumption on the premises comprised in the lease is extinguished or surrendered, the licensing authority may, notwithstanding anything in this section, grant a licence for suitable premises in the immediate vicinity of the premises to which the licence so extinguished or surrendered was attached:

Provided that no such licence shall be granted to any person who is entitled, under section five of the Town Tenants (Ireland) Act, 1906, to compensation for the loss of goodwill in respect of a tenancy of the premises to which the licence so extinguished or surrendered was attached.

(c) Where, owing to an increase of not less than twenty-five per cent. of the population according to the last census, there is a growth or an extension of any city or town, and the licensing authority is satisfied, after hearing any evidence tendered to it by any resident or owner of property in such city or town, that the restrictions in this section on the granting of licences may be relaxed, the licensing authority may grant a licence to any applicant notwithstanding that the same would be otherwise forbidden by this section:

Provided that such licence shall be granted only for premises situate in the ward or district electoral division in which such increase in population has taken place, and in substitution for at least two existing licences held in respect of premises situate within the city or town (as the case may be) comprising such ward or district electoral division.

Digitized by Google

(ii), and under paragraphs (*b*) and (*c*) of this section, the premises shall be valued under the Irish Valuation Acts at not less than—

Thirty pounds in the City of Belfast;
Twenty pounds in the City of Londonderry;
Twelve pounds in any town over ten thousand inhabitants at the census ascertained next preceding the application; and
Ten pounds in all other places.

(*e*) Nothing in this section shall operate to prevent the granting of new licences where the licensing authority thinks fit, to premises attached to or adjoining premises licensed for the sale of intoxicating liquor at the date of the passing of this Act:

Provided always that such new licence as last hereinbefore mentioned shall only be granted in order to render the said licensed premises more suitable for the business carried on therein.

(*f*) Nothing in this section shall be taken to affect the law as to the transfer or assignment of licences from one person to another, or as to the renewal of licences.

Control of licensed premises on election days

10. The provisions of this Act with respect to the closing of licensed premises on Sunday and Christmas Day may be applied by order of the Minister of Home Affairs so as to have effect, either throughout Northern Ireland or in any specified area therein, and subject to any conditions which may be specified in the order, on the day of election or on the day of the poll (or on both of those days), in connection with any Parliamentary election, whether for the Parliament of Northern Ireland or for the Parliament of the United Kingdom.

Proceedings, constitution of courts and penalties under the Act and the Licensing Acts.

11.—(1) All offences under this Act shall be prosecuted, and all fines thereunder shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction (Ireland) Acts. An appeal shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts from the decision of a court of summary jurisdiction upon any application, complaint, matter or proceeding arising under this Act.

14 & 15 Vict., c. 90.

(2) All fines imposed under this Act shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Act amending the same.

Digitized by Google

an offence either under any enactment regulating the sale of intoxicating liquor by retail (except section twelve of the Licensing Act, 1872), or under this Act, and when hearing any matter required by this Act to be determined by such court, shall be constituted of two or more resident magistrates; and a court of quarter sessions, when hearing and determining an appeal from such court of summary jurisdiction, shall be constituted of the county court judge or recorder sitting alone.

No justice of the peace shall have any jurisdiction to try any offence, or to hear or determine any matter to which this sub-section applies, except the persons specified therein.

(4) The licensing court, when determining any matter required to be determined by that court, either under any Act regulating the sale of intoxicating liquor by retail or under this Act, shall be constituted (as the case may require) as if it were a court of quarter sessions, or as if it were a court of summary jurisdiction, sitting for the purposes of this Act, and shall not be constituted otherwise; and references in any such Act as aforesaid to justices, licensing justices or licensing sessions shall be construed accordingly.

(5) For the purposes of this Act the expression "licensing court" means a court sitting either in quarter sessions or in petty sessions (as the case may require) to determine any application for the grant or confirmation of the certificate necessary for the grant, transfer or renewal of a licence for the sale of intoxicating liquor by retail.

(6) Any police officer or constable who appears on any application, complaint, matter or proceeding before a court of summary jurisdiction, whether sitting as the licensing court under any Act relating to the sale of intoxicating liquor by retail, or otherwise sitting for the purposes of this Act, shall have a right of appeal against any order made by such court on such application, complaint, matter or proceeding, but subject to the conditions and regulations specified in section fifty-two of the Licensing Act, 1872. 36 Vict.

(7) A person guilty of an offence under this Act, for which no special penalty is provided, shall be liable on conviction in respect of each offence to a fine not exceed-

Digitized by Google

conviction, either to a fine not exceeding ten pounds or, in the discretion of the court, to imprisonment for a period not exceeding three months: Provided that no sentence of imprisonment shall be inflicted except upon a person directly responsible for the act constituting the offence.

Savings.

12.—(1) Nothing in this Act shall prejudice or affect the granting of any licence under the provisions of section nine of the Finance Act, 1911, or the sale of any spirits mentioned in the said section by a person authorised thereunder to sell the same, or the sale of medicated spirits or spirits or spirituous liquor made up in medicine by a duly qualified medical practitioner or a duly registered pharmaceutical chemist or chemist and druggist.

1 & 2 Geo. 5 c. 48.

(2) Notwithstanding anything contained in this Act, a licence may be granted to a duly registered pharmaceutical chemist, or chemist and druggist, for the sale of wine by retail for consumption off the premises, subject to the following conditions, that is to say:—

(i) No wine shall be sold under such licence except for use in accordance with the order or prescription of a duly qualified medical practitioner.

(ii) Such order or prescription as aforesaid shall be produced by the purchaser before such sale, and shall be retained by the chemist, or chemist and druggist, making the sale, and shall not be used on more occasions than are stated in such order or prescription by the medical practitioner issuing the same.

(iii) On the occasion of any such sale the order or prescription shall be produced by the purchaser, and shall be retained by the chemist, or chemist and druggist, making the sale.

Where a chemist or chemist and druggist obtains the renewal of a licence for the sale of wine by retail for consumption off the premises, for the sole purpose of fulfilling orders or prescriptions of any duly qualified medical practitioner, compensation shall be payable to such chemist or chemist and druggist in like manner as if the said licence were not renewed at the annual licensing sessions held next after the passing of this Act: Provided that the Claims Tribunal shall, in considering a claim for compensation made by any such chemist or chemist and

Digitized by Google

the Claims Tribunal may estimate as accruing to him by reason of the renewal of his licence subject to the limitations contained in this sub-section.

onstruction
nd repeal.

13.—(1) In this Act, unless the context otherwise requires—

The expression " intoxicating liquor " means spirits, wine, beer, porter, cider, perry and sweets, and any fermented, distilled or spirituous liquor (other than methylated spirits) which cannot, according to any law for the time being in force, be legally sold without a licence granted by an officer of excise :

The expressions " Minister of Finance," " Minister of Home Affairs," and " Ministry of Finance " mean respectively the Minister of Finance for Northern Ireland, the Minister of Home Affairs for Northern Ireland, and the Ministry of Finance for Northern Ireland :

The expression " officer of excise " means an officer of the Ministry of Finance acting in execution of the powers transferred to the Ministry of Finance from the Commissioners of Customs and Excise by or in pursuance of the Government of Ireland Act, 1920 :

& 11 Geo. 5 67.

The expression " police officer or constable " means an officer or member of the Royal Ulster Constabulary, or a special constable belonging to any class of special constabulary specified for the purposes of this Act by the Minister of Home Affairs :

& 7 Will. 4 13.
2 & 13 Geo. c. 8.

The expression " resident magistrate " means a magistrate appointed under the Constabulary (Ireland) Act, 1836, as amended by section six of the Constabulary Act (Northern Ireland), 1922 :

The expression " chemist and druggist " includes registered druggist :

Other expressions have the same meaning as in the Licensing (Ireland) Acts, 1833 to 1900.

(2) References in this Act to any Acts of the Parliament of the United Kingdom shall be construed as references to those Acts as they apply to Northern Ireland

Digitized by Google

of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(3) The enactments mentioned in the Third Schedule to this Act are hereby repealed, as respects Northern Ireland, to the extent specified in that Schedule.

14. This Act may be cited as the Intoxicating Liquor Act (Northern Ireland), 1923. Short title.

FIRST SCHEDULE. Section 3.

PART I.

Constitution of the Claims Tribunal.

The Claims Tribunal, when hearing or determining a claim under this Act, shall be constituted of at least three of the following persons—

(*a*) a recorder or county court judge;
(*b*) a person nominated by the Minister of Finance;
(*c*) two persons nominated by the Minister of Home Affairs, one of whom is a resident magistrate;
(*d*) a justice (not being a resident magistrate) chosen by the justices for a petty sessions district:

Provided that no person who is a member of the Claims Tribunal in his capacity as recorder, county court judge, magistrate or justice, shall sit to hear or determine a claim, unless in that capacity he has jurisdiction or has been appointed for the county or petty sessions district in which the premises are situate in respect of which the claim is made.

PART II.

Provisions applicable to Consideration of Claims.

In cases where the licence in respect of any premises ceases, by virtue of this Act, to be renewable, the following provisions shall apply as respects the payment of compensation to persons interested in the premises:—

(1) Compensation shall be paid in respect of the depreciation in the value of the premises to an amount not exceeding five times the difference between the amount at which the premises were valued under the Irish Valuation Acts immediately before they ceased to be licensed premises and the sum which the Commissioner of Valuation for Northern Ireland certifies, in such manner as may be prescribed by rules made by the Ministry of Finance under this Act, to be their annual value immediately after they ceased to be licensed;

(2) If the profits of the trade carried on in the licensed premises have for each of the three years ending 5th April, 1923, been brought into charge for assessment under the Income Tax Act, 1918, or any Act amending the same, compensation shall be paid in respect of loss of profits, either—

Digitized by Google

part of the annual profits for the said three years so brought into charge which was made by the trade in intoxicating liquor; or

(*b*) if it is impossible to determine what part of the profits so brought into charge was made by the sale of intoxicating liquor, to an amount not exceeding five-thirds of the average annual profits for the said three years so brought into charge of the total trade carried on in the licensed premises.

(3) If the profits of the trade carried on in the licensed premises have not for any year of the three years ending 5th April, 1923, been brought into charge for assessment under the Income Tax Act, 1918, or any Act amending the same, compensation shall be paid in respect of loss of profits, to such amount, not exceeding three hundred pounds, as may be determined by the Claims Tribunal.

(4) If the profits of the trade carried on in the licensed premises have for one year only, or for two years only, of the three years ending 5th April, 1923, been brought into charge for assessment under the Income Tax Act, 1918, or any Act amending the same, compensation shall be paid in respect of loss of profits either—

(*a*) to an amount equal to five times the average profits made by the trade in intoxicating liquor during the year or years in respect of which the profits have been so brought into charge, or

(*b*) to such less amount as may be determined by the Claims Tribunal.

(5) Notwithstanding anything in the foregoing provisions of this Part of this Schedule, if the Claims Tribunal is satisfied that during the three years ending 5th April, 1923, the trade in any licensed premises was adversely affected or ceased to be carried on by reason of civil commotion to such an extent as to render it inequitable that the said three years or any of them should be taken for the purpose of estimating the amount of compensation payable under this Part of this Schedule in respect of loss of profits, the Claims Tribunal may take for that purpose the year ending 5th April, 1919, or the year ending 5th April, 1920 (or both of those last-mentioned years) in substitution for any year or years of the three years ending 5th April, 1923.

(6) Compensation shall be paid in respect of fixtures and fittings on the licensed premises which are not adapted for use in the trade, other than the trade in intoxicating liquor, carried on in the premises, to such amount as may be determined by the Claims Tribunal.

(7) The Claims Tribunal shall, in cases where several persons are interested in the same licensed premises, have power to apportion the amount of compensation determined under this part of this Schedule amongst those persons according to the several interests held or enjoyed by them, and shall have power, in any case in which the Claims Tribunal thinks it just so to do, to declare that a lease of licensed premises shall be deemed to be surrendered as from such date as may be specified in the declaration.

Digitized by Google

Scale of Maximum Charges.

I. County Borough of Belfast.

Annual Value of Premises for Licence Duty purposes.	Maximum Rate of Charge.
Not exceeding £20	£12
Exceeding £20 but not exceeding £40	16
„ £40 „ „ „ £60	20
„ £60 „ „ „ £80	24
„ £80 „ „ „ £100	28
„ £100 „ „ „ £150	32
„ £150 „ „ „ £200	36
„ £200 „ „ „ £250	40
„ £250 „ „ „ £300	44
„ £300 „ „ „ £350	48
„ £350 „ „ „ £400	52
„ £400 „ „ „ £450	56
Exceeding £450	60

II. Northern Ireland (exclusive of the county borough of Belfast).

Not exceeding £20	£1 10 0
Exceeding £20 but not exceeding £40	£2 10 0
„ £40 „ „ „ £60	£3 10 0
„ £60 „ „ „ £80	£4 10 0
„ £80 „ „ „ £100	£5 10 0
„ £100 „ „ „ £150	£6 10 0
„ £150 „ „ „ £200	£7 10 0
„ £200 „ „ „ £250	£8 10 0
„ £250 „ „ „ £300	£9 10 0
„ £300	£10 10 0

The rate of charge in the case of an hotel or restaurant to which section forty-five of the Finance (1909-10) Act, 1910, applies, shall be :—

(*a*) As regards premises situate in the county borough of Belfast, a sum equal to one-third of the sum payable in respect of premises of a similar valuation in the county borough which are subject to the full rate of Licence Duty.

(*b*) As regards premises situate in Northern Ireland (exclusive of the county borough of Belfast), a sum equal to one-third of the sum payable in respect of premises of a similar valuation in Northern Ireland (exclusive of the said county borough) which are subject to the full rate of Licence Duty.

The maximum rate of charge in the case of premises in respect of which a licence for the sale of intoxicating liquor for consumption on the premises has been issued, and which are adapted to be used and are bonâ fide used as refreshment rooms at a railway station, shall be—

(*a*) as regards premises situate in the County Borough of Belfast, fifteen pounds ;

(*b*) as regards premises situate in Northern Ireland (exclusive of the county borough of Belfast), five pounds ten shillings.

Digitized by Google

PART I.

Provisions as to Sale and Supply of Intoxicating Liquor by Retail and Conduct of Persons on Licensed Premises.

1. Notwithstanding anything in any enactment, it shall not be lawful for any person to sell, or expose for sale, intoxicating liquor, or to open or keep open any premises for the sale of intoxicating liquor, (whether for consumption on or off the premises) at or during any hours on week days except the following, that is to say: the hours beginning not earlier than ten in the morning and ending not later than nine at night:

Provided that

(*a*) in the application of this provision to any county borough, urban district or town, the population of which according to the last parliamentary census exceeds five thousand, "ten at night" shall be substituted for "nine at night"; and

(*b*) nothing in this provision shall affect the hours during which intoxicating liquor may be sold as aforesaid on Good Friday or any day appointed for a public fast or thanksgiving.

2. So much of section seventy-eight of the Licensing Act, 1872, and the enactments amending that section, as renders lawful the selling of intoxicating liquor on Sunday or Christmas Day, or at certain hours on Good Friday or any day appointed for a public fast or thanksgiving—

(*a*) to bonâ fide travellers; or

(*b*) to persons lodging in the house of a person licensed to sell intoxicating liquor to be consumed on the premises; or

(*c*) to the sale at a railway station of intoxicating liquor to persons arriving at or departing from such station by railroad:

shall cease to have effect.

3. No person shall, either by himself or by any agent, apprentice or servant, in any licensed premises, sell or supply to any person, as the measure of intoxicating liquor for which he asks, an amount exceeding that measure.

4. Every person who applies for the certificate required for the transfer of a licence for the sale of intoxicating liquor by retail shall give the like notice of the application as is required to be given in the case of an application for a certificate under section nine of the Spirits (Ireland) Act, 1854 and any police officer shall be entitled to object to such certificate in like manner as he may object to a certificate under section ten of the said Act.

5. No person shall either by himself or by any agent, apprentice or servant—

(*a*) sell, supply, distribute, or deliver, or induce any person to sell, supply, distribute, or deliver any intoxicating liquor from any van, barrow, basket or other vehicle or receptacle, unless before the liquor is despatched it has been ordered, and the quantity, description and price thereof, together

Digitized by Google

supplied, has been entered in a delivery book or invoice, which shall be carried by the person delivering the liquor, and in a day book which shall be kept on the premises from which the liquor is despatched ; or

(*b*) carry or convey in any van, barrow, basket or other vehicle or receptacle, while in use for the distribution or delivery of intoxicating liquor any such liquor not entered in such delivery book or invoice and day book ; or

(*c*) distribute or deliver any intoxicating liquor at any address not specified in such delivery book or invoice and day book ; or

(*d*) refuse to allow any police officer or constable to examine such van, barrow, basket or other vehicle or receptacle, or such delivery book or invoice :

Provided that the holder of a licence for the sale of intoxicating liquor by retail shall not be liable to any penalty under this article in respect of an offence committed by his agent, apprentice or servant if he proves that such offence was committed without his knowledge or consent.

Nothing in this article shall be deemed to prohibit or restrict the sale, supply, distribution, or delivery of intoxicating liquor to a trader for the purposes of his trade, or to a club for the purposes of the club.

Amendment of law as to offences on licensed premises.

6. The following provisions shall have effect with respect to offences in connection with premises licensed for the sale of intoxicating liquor by retail :—

(*a*) Any police officer or constable may at all reasonable times enter any premises in respect of which a licence is in force for the sale of intoxicating liquor by retail, and every person who by himself, or by any person in his employment or acting with his knowledge or consent, refuses, fails or unreasonably delays to admit any such officer or constable demanding to enter in pursuance of this paragraph, shall be guilty of an offence under this Act.

In any proceedings for an offence under this paragraph it shall lie on the person charged to prove that the delay in admitting was reasonable.

(*b*) If, in any prosecution of a licensed person for an offence under any enactment relating to the sale of intoxicating liquor by retail, it is alleged by the prosecutor that any person was on the licensed premises of such licensed person in contravention of that enactment, any person whose presence on the licensed premises is alleged to have been in contravention of that enactment, and who is proved to have been on the licensed premises at the time when the offence is alleged to have been committed, shall be deemed to have been on the licensed premises in contravention of that enactment, unless and until the contrary is proved.

(*c*) If a licensed person is charged with permitting drunkenness, or any violent, quarrelsome or riotous conduct to take place on his licensed premises, and it is proved that any person was drunk on those premises, it shall lie on the licensed person to prove that he and the persons in his employment took all reasonable steps for preventing drunkenness on the premises.

Digitized by Google

person on his licensed premises during any time during which the sale of intoxicating liquor on those premises is prohibited, the licensed person shall, unless he proves the contrary, be deemed to have sold such intoxicating liquor to the person to whom he has so given it.

(*e*) It shall not be lawful for any person to consume, or permit the consumption of, intoxicating liquor on any premises licensed only for the sale of intoxicating liquor by retail for consumption off the premises, and it shall not be lawful for a licensed person to keep or use any drinking vessels in any portion of such premises which is set apart for such sale of intoxicating liquor. This provision shall, as respects any premises, have effect as from the date when the licence for such sale as aforesaid is first renewed after the passing of this Act.

(*f*) Section forty-two of the Refreshment Houses (Ireland) Act, 1860, shall have effect as if the following words were omitted therefrom, that is to say, "and shall refuse or neglect to quit such shop, house, premises or place upon being requested so to do by the manager or occupier, or his agent or servant, or by any constable."

7. References in sections eight and nine of the Licensing (Ireland) Act, 1836, to flags and emblems shall not be construed so as to include any reference to the Union Jack.

8. No person shall—

(*a*) either by himself or by any servant or agent, sell or supply in any licensed premises any intoxicating liquor to be consumed on the premises; or

(*b*) consume any intoxicating liquor in such premises;

unless it is paid for before or at the time when it is sold or supplied:

Provided always that, if the liquor is sold or supplied for consumption with a meal supplied at the same time, and is consumed with such meal, this provision shall not be deemed to be contravened if the price of the liquor is paid together with the price of such meal.

9. In determining whether an offence has been committed under the enactments relating to the sale of food and drugs by selling, to the prejudice of the purchaser, whisky, brandy, rum or gin not adulterated otherwise than by any admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than thirty-five degrees under proof, and section six of the Sale of Food and Drugs Act, 1879, is hereby repealed.

PART II.

Provisions as to Registered Clubs.

The Registration of Clubs (Ireland) Act, 1904, shall have effect with the following amendments:—

(1) Every application for an original certificate of registration of a club shall be made in the month of January in any year.

(2) The notice of application for registration of a certificate shall be published on some day not more than four weeks, nor less than two weeks, before the first day of January in any year,

Digitized by Google

cate or a renewal thereof) shall, in addition to any other publication, be published once in the Belfast Gazette.

(3) Without prejudice to the provisions of section nine of the said Act (which relates to the cancellation of certificates of registration), every club whose certificate of registration would, apart from this paragraph, expire at any time after the passing of this Act and before the thirty-first day of January, nineteen hundred and twenty-four, shall be deemed to remain registered until the last-mentioned date, and the certificate of registration of every club whose certificate was granted or renewed at any time after the thirty-first day of January, nineteen hundred and twenty-three, and before the passing of this Act shall expire on the thirty-first day of January, nineteen hundred and twenty-four ; and the certificate of registration of every such club shall have effect accordingly.

(4) Section five of the said Act shall have effect as if in paragraph (*i*) the words " five years next preceding the formation of the club " were substituted for the words " twelve months next preceding the formation of the club," and as if the reference in that paragraph to the Licensing (Ireland) Acts, 1833 to 1900, included a reference to this Act.

(5) Every registered club shall exhibit in a conspicuous part of the club premises a statement, printed in plain type, of the hours during which intoxicating liquor may be supplied on the premises, and the rules of every registered club shall so provide. Every person entered in the register of clubs as an official or member of the committee of management or governing body of any registered club which fails to comply with the requirements of this provision shall be liable on conviction to a penalty not exceeding thirty pounds, and the failure to comply with those requirements shall be a ground on which objection may be taken to the renewal of the certificate of registration of a club.

(6) For the purpose of any proceedings under the said Act, a court of summary jurisdiction shall be constituted of not less than two resident magistrates, and no justice of the peace not being a resident magistrate shall have jurisdiction to act on the hearing or in connection with any such proceedings.

Digitized by Google

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Will. 4, c. 68	The Licensing (Ireland) Act, 1833.	In section two the words "to every magistrate resident within such city or town and."
35 & 36 Vict. c. 94	The Licensing Act, 1872.	Sections thirty, thirty-one and thirty-two. In section seventy-eight the words from "None of the provisions" down to the end of the section.
37 & 38 Vict. c. 69	The Licensing (Ireland) Act, 1874.	In section twenty-seven the words "or a bonâ fide traveller"; the words "and premises kept by a spirit grocer"; and the words from "Every person who by falsely representing" to the end of the section. Section twenty-eight.
41 & 42 Vict. c. 72	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act.
42 & 43 Vic. c. 30	The Sale of Food and Drugs Act Amendment Act, 1879.	Section six.
2 Edw. 7, c. 18.	The Licensing (Ireland) Act, 1902.	The whole Act.
5 Edw. 7, c. 3	The Licensing (Ireland) Act, 1905.	The whole Act.
6 Edw. 7, c. 39	The Intoxicating Liquors (Ireland) Act, 1906.	The whole Act.

Digitized by Google

An Act to amend the Representation of the People Act, 1918, in its application to Local Government Franchises in Northern Ireland.

[22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of law as to local government franchises, 7 & 8 Geo. 5, c. 64.

1.—(1) The Representation of the People Act, 1918, shall have effect, for the purposes of the local government franchises, as though the following paragraphs were substituted for paragraphs (*a*) and (*b*) of section three thereof :—

"(*a*) is on the last day of the qualifying period occupying in that area, as owner or tenant, any land or premises (not being a dwelling-house) of a yearly value of not less than five pounds, or a dwelling-house ; and

(*b*) has during the whole of the qualifying period so occupied, either in that area or, if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate, any land or premises (not being a dwelling-house) of such yearly value as aforesaid, or a dwelling-house."

(2) The Governor may, by Order in the Privy Council of Northern Ireland, prescribe the forms to be used for registration purposes so far as respects the local government franchises, and may by any such Order (with the approval of the Secretary of State) make such alterations of the forms prescribed by or under section thirteen of the Representation of the People Act, 1918, in their application to those franchises in Northern Ireland, as appear to him to be necessary or proper for the purpose of giving effect to this Act.

Short Title.

2. This Act may be cited as the Local Government (Franchise) Act (Northern Ireland), 1923.

Digitized by Google

An Act to give the force of Law to the consent of the Government of Northern Ireland to certain arrangements for Relief in respect of Double Taxation as between Northern Ireland and the Irish Free State. [22nd June, 1923.]

Whereas, in pursuance of sub-section (4) (*b*) of section five of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), the Government of Northern Ireland has given its consent to the extension to Northern Ireland of the arrangements which are set forth, as so extended, in the Schedule to this Act, being arrangements made in pursuance of the said section and specified in a declaration of His Majesty in Council dated the twenty-ninth day of March, nineteen hundred and twenty-three (in this Act referred to as "the scheduled arrangements"):

And whereas the scheduled arrangements relate to Estate Duty and Stamp Duties, which are taxes within the powers of the Parliament of Northern Ireland, and it is necessary that the said consent to the extension of the scheduled arrangements to Northern Ireland should have the force of law therein:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1. The consent given by the Government of Northern Ireland to the scheduled arrangements shall have the force of law in Northern Ireland as from the twenty-ninth day of March nineteen hundred and twenty-three.

2. This Act may be cited as the Double Taxation Relief Act (Northern Ireland), 1923.

SCHEDULE.

Arrangements for Relief in respect of Double Taxation as extended to Northern Ireland.

. . . . . .

. . . . . .

. . . . . .

PART II.

Estate Duty.

(*a*) Where the Ministry of Finance for Northern Ireland is satisfied that Estate Duty is payable in the Irish Free State by reason of a death

Digitized by Google

and twenty-three, in respect of any property situate in the Irish Free State and passing on such death, that Ministry shall allow a sum equal to the amount of that duty to be deducted from the Estate Duty payable in Northern Ireland in respect of that property on the same death.

(*b*) Where the Revenue Commissioners of the Irish Free State are satisfied that Estate Duty is payable in Northern Ireland by reason of a death of a person dying on or after the said first day of April in respect of any property situate in Northern Ireland and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the Estate Duty payable in the Irish Free State in respect of that property on the same death.

(*c*) Any question as to whether any property is to be treated for the purposes of this arrangement as situated in Northern Ireland or in the Irish Free State shall be determined according to the laws in force in Ireland on the sixth day of December, nineteen hundred and twenty-two.

(*d*) This arrangement shall apply as between Northern Ireland and the Irish Free State until the Government of Northern Ireland signify that they have withdrawn their consent to such application.

Part III.

Stamp Duties.

(*a*) Where on or after the first day of April, nineteen hundred and twenty-three, an instrument is chargeable with Stamp Duty in Northern Ireland and in the Irish Free State, and has been stamped in one of those countries, the instrument shall, to the extent of the duty it bears, be deemed to be stamped in the other country :

Provided that, if the Stamp Duty chargeable on any instrument in such other country exceeds the Stamp Duty chargeable in respect of that instrument in the country in which the instrument has previously been stamped, the instrument shall not be deemed to have been duly stamped in such other country unless and until stamped in accordance with the laws of that country with a stamp denoting an amount equal to such excess.

(*b*) Where composition for Stamp Duty is made or agreed to be made in one of such countries, any instrument which by virtue of the composition is exempt from the payment of duty in that country shall, on and after the said first day of April, be treated in the other country as having been stamped in the first-mentioned country with a stamp denoting the amount of duty which, but for the composition, would have been chargeable on that instrument.

(*c*) This arrangement shall apply as between Northern Ireland and the Irish Free State until the Government of Northern Ireland signify that they have withdrawn their consent to such application.

Digitized by Google

An Act to amend section one of the Loans Guarantee Act (Northern Ireland), 1922.

[22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

dment of 12 Geo. 5

1. The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under subsection (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922, shall be increased from two million pounds to three million five hundred thousand pounds.

title.

2. This Act may be cited as the Loans Guarantee (Amendment) Act (Northern Ireland), 1923.

CHAPTER 16.

An Act to continue, as respects Northern Ireland, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, until the twenty-fourth day of December, nineteen hundred and twenty-three. [22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

nuance & 11 5, c. 17.

1. The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, shall continue in force as respects Northern Ireland until the twenty-fourth day of December, nineteen hundred and twenty-three.

title.

2. This Act may be cited as the Increase of Rent and Mortgage Interest Restrictions (Continuance) Act, (Northern Ireland), 1923.

Digitized by Google

An Act to regulate the disposal of by-products of flax scutching at Scutch Mills in Northern Ireland, and the conduct of business in connection with flax scutching. [22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions regulating disposal of by-products of scutching and conduct of business.

1.—(1) It shall not be lawful for any person, being the owner or having control of a scutch mill—

(*a*) to demand or accept, or offer to accept, as payment or part payment of charges for scutching, any of the by-products of the process of flax scutching, or

(*b*) to purchase or attempt to purchase any of the by-products of the process of flax scutching before that process has been carried out.

(2) It shall be the duty of every person, being the owner or having control of a scutch mill—

(*a*) to supply such suitable weighing appliances for weighing the products or by-products of flax scutching as may be approved by or on behalf of the Ministry of Agriculture for Northern Ireland (in this Act referred to as "the Ministry of Agriculture");

(*b*) to keep a record of the scutching operations in the form A set out in the Schedule to this Act, or in a form to the like effect, and to permit that record to be inspected, and extracts therefrom to be taken, at all reasonable times by an officer of or person duly authorised in writing by the Ministry of Agriculture.

(*c*) to furnish, at the time of or prior to the delivery of every lot of scutched flax, to the owner thereof or his authorised representative a statement in writing in the form B set out in the Schedule to this Act, or in a form to the like effect.

(*d*) to exhibit, in a prominent place on the premises of the mill a statement showing whether or not he has insured against fire, while in the

Digitized by Google

from time to time in the mill or on the mill premises including the flax and tow of his customers.

(3) By-products of the process of flax scutching shall not be purchased or disposed of otherwise than by weight, and any contract, bargain, sale or dealing relating to such by-products shall, unless it complies with this provision, be null and void.

(4) The expression "by-products" includes tow and any fibrous material removed by hand from the flax, either during the process of scutching or during subsequent dressing at a scutch mill.

(5) Any person who fails to comply with any of the foregoing provisions of this section shall be guilty of an offence under this Act, and shall be liable on conviction to a fine of ten pounds for each such offence.

orcement ct.

2.—(1) Any officer of the Ministry of Agriculture, or other person duly authorised in writing by the Ministry of Agriculture for the purposes of this Act, may enter at any reasonable time any scutch mill or premises used in connection therewith, and any premises which he has reasonable cause to believe to be a scutch mill, for any of those purposes which he is required by the Ministry of Agriculture to carry out; and if any person refuses to allow any such officer or duly authorised person (who, if so required, produces his appointment or authority) to enter any premises which under this Act he is entitled to enter, or obstructs or impedes such officer or person in the exercise of his powers under this Act, the person so refusing, obstructing or impeding shall be guilty of an offence under this Act and be liable on conviction to a fine of twenty pounds.

(2) All offences under this Act shall be prosecuted, and all fines thereunder shall be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction (Ireland) Acts, and appeals from any such court shall lie in accordance with the provisions of the said Acts.

(3) All fines imposed under this Act shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Act amending the same.

t title com- ement.

3.—(1) This Act may be cited as the Scutch Mills Act (Northern Ireland), 1923.

(2) This Act shall come into operation on the first day of August, nineteen hundred and twenty-three.

Digitized by Google

FORM A.

Date of receipt of Flax by mill owner.	Name and address of owner of Flax.	Results of Scutching— Avoirdupois Weights					Date on which statement of results was furnished to owner of Flax.
		Scutched Flax.	Tow			Pluckings (if any)	
			Fine	Rough	Re-Scutched		

FORM B.

I certify that the consignment of Flax received by me from

.....

of.....

on the.....day of.....in

the year.....has been scutched at my

Scutch Mill at.....

with the following results :—

Avoirdupois Weight.

Scutched Flax .....

Tow { (a) fine..... (b) rough..... (c) re-scutched .....

Pluckings (if any).....

Signature of
mill owner or his
authorised representative.....

Date.....

Digitized by Google

An Act to make further provision with respect to the salary of the office of Attorney General for Northern Ireland, and with respect to the execution of the said office. [22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows:—

1. The Salaries of Ministerial Offices Act, 1921 [N.I.], shall have effect, and shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty-three, as if two thousand five hundred pounds were set forth in the schedule to the said Act as the maximum amount of the sum to be paid out of moneys provided by Parliament in respect of the annual salary of the office of Attorney General for Northern Ireland.

2. The Governor of Northern Ireland may, if at any time the Attorney General for Northern Ireland is unable to act, appoint a deputy to act as such Attorney General for such period as the said Governor may determine; and, during the continuance of such appointment, references in any enactment to the Attorney General for Northern Ireland shall, in relation to matters which are for the time being within the powers of the Government of Northern Ireland, be construed as references to the deputy so appointed.

3. This Act may be cited as the Office of Attorney General Act (Northern Ireland), 1923.

CHAPTER 19.

An Act to enable the Irish Sailors and Soldiers Land Trust to carry out in Northern Ireland the purposes for which it has been established by law. [22nd June, 1923.]

WHEREAS by section three of an Act passed by the Parliament of the United Kingdom entitled the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), it is enacted that a body, to be called the Irish

Digitized by Google

the purposes set forth in the said section, but that the said section shall not come into operation until the Treasury of the United Kingdom certify amongst other things that such legislation has been passed by the Parliament of Northern Ireland as is necessary to enable the said Trust to acquire and to hold land, to vest in the said Trust any land and other property which is, under the said section, to be transferred to the said Trust, and otherwise to enable the said Trust to carry out the purposes of the said section:

BE it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions with respect to powers of Trust in Northern Ireland.

1.—(1) The Irish Sailors and Soldiers Land Trust (in this section referred to as "the Trust") shall have and may exercise all the powers which are necessary to enable the Trust to carry out, as respects Northern Ireland, the purposes of section three of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), (which section is set out in the Schedule to this Act and is in this section referred to as "the scheduled enactment"), whether being powers conferred upon the Trust by the scheduled enactment or by regulations made thereunder:

Provided that the Trust shall not have as respects Northern Ireland any power of compulsory acquisition of land.

(2) The Ministry of Home Affairs for Northern Ireland shall have power to acquire land otherwise than by agreement for transfer to the Trust, and shall, for the purpose of such acquisition, have all the powers which are conferred upon the Local Government Board for Ireland by virtue of section four of the Irish Land (Provision for Sailors and Soldiers) Act, 1919, including power to carry out and complete any scheme made by the said Board before the sixth day of December, nineteen hundred and twenty-two, so far as respects the compulsory acquisition of land thereunder, in like manner as if the proceedings taken by the Board before the said date had been taken by the said Ministry of Home Affairs in the exercise of the powers conferred upon it by this Act.

9 & 10 Geo. 5, c. 82.

(3) Any land, property or rights acquired by the Local Government Board for Ireland under section four

Digitized by Google

Act, 1919, or by the said Ministry of Home Affairs under the said section, as applied by this section, shall, subject to any liabilities affecting the same, be transferred to and vest in the Trust on such respective dates as may be specified in orders made by the said Ministry of Home Affairs, without the necessity of any transfer, assignment or other instrument.

(4) If arrangements are made by the Trust for the exercise and performance on behalf of the Trust of any powers or duties of the Trust by any department of the Government of Northern Ireland or officers thereof, that department or officers shall have and may exercise, to such extent and on such terms and conditions as may be agreed, the powers conferred upon the Trust, as respects Northern Ireland, by this Act and the scheduled enactment.

(5) Paragraph (d) of sub-section (4), and sub-sections (7) and (8), of section four of the Irish Land (Provision for Sailors and Soldiers) Act, 1919, shall not apply to the powers conferred on the said Ministry of Home Affairs by this section, and the power of making orders adapting enactments conferred on the Local Government Board for Ireland by sub-section (6) of the said section four may be exercised by means of orders made by the Trust and the said Ministry of Home Affairs jointly.

title. 2. This Act may be cited as the Land Trust (Powers) Act (Northern Ireland), 1923.

SCHEDULE.

The Scheduled Enactment.

ish- of a or the on of es, &c, ser- en in d. 3.—(1) For the purpose of providing in Ireland cottages, with or without plots or gardens, for the accommodation of men who served in any of His Majesty's naval, military, or air forces in the late war, and for other purposes incidental thereto, a body shall be established consisting of five members, of whom three shall be appointed by a Secretary of State, one by the President of the Executive Council of the Irish Free State, and one by the Prime Minister of Northern Ireland.

(2) The body so established shall be a body corporate by the name of the Irish Sailors and Soldiers Land Trust, with perpetual succession and a common seal, and is in this section referred to as "the Trust."

Digitized by Google

which are conferred upon the Local Government Board for Ireland by section four of the Irish Land (Provision for Sailors and Soldiers) Act, 1919, including power to carry out the schemes made under that section by that Board prior to the passing of this Act, and such powers of management, sale, disposal and otherwise as may be conferred on them by regulations made by the Treasury, and all property, assets, rights and liabilities held, enjoyed or borne by the Local Government Board for Ireland in connection with any schemes so made by them shall be transferred to the Trust: 9 & 10 Geo 5, c. 82.

Provided that the provisions of the said section relating to the compulsory acquisition of land, limiting the time within which the power to acquire land may be exercised by the Board, and regulating the expenses and receipts and audit of accounts of the Board shall not apply to the Trust.

(4) There shall be paid to the Trust out of moneys provided by Parliament, at such times and in such instalments as the Treasury may direct, a sum not exceeding one million five hundred thousand pounds, and the sum so received and all other receipts of the Trust shall be applied by the Trust to the purposes for which the Trust is created.

(5) The Treasury may make regulations as to the procedure of the Trust and as to the application of the proceeds of sale, and as to the audit of the accounts of the Trust, and generally as to the manner in which the Trust shall carry out their powers and duties, and the Trust shall act in accordance with those regulations.

(6) The term of office of a member of the Trust shall be such as may be determined by the authority by whom he is appointed, but the Trust may act notwithstanding any vacancy in their number.

(7) This section shall not come into operation until the Treasury certify that such legislation has been passed by the Parliament of the Irish Free State and the Parliament of Northern Ireland as is necessary to enable the Trust to acquire and to hold land, to vest in the Trust any land and other property which is under this section to be transferred to the Trust, and otherwise to enable the Trust to carry out the purposes of this section.

CHAPTER 20.

An Act to establish a Public Record Office of Northern Ireland for the reception and preservation of certain public records appertaining to Northern Ireland, and for purposes connected therewith. [22nd June, 1923.]

WHEREAS it is provided by subsection (2) of section nine of the Government of Ireland Act, 1920, as modified in its application to Northern Ireland by or in pursuance of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), that the Public Record

Digitized by Google

ernment of Ireland Act a reserved matter, but that nothing in the said subsection shall prevent the Parliament or Government of Northern Ireland establishing a Public Record Office of Northern Ireland for the reception and preservation of public records appertaining to Northern Ireland which otherwise would be deposited in the Public Record Office of Ireland, and that, if a Public Record Office of Northern Ireland is so established, provision may be made by the Governor of Northern Ireland for the removal to that Office of such probates, letters of administration or other testamentary records granted or coming into existence not earlier than twenty years prior to the appointed day for the purposes of the said subsection as in his opinion properly belong to Northern Ireland and can conveniently be removed to that Office:

BE it therefore enacted by the King's most excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of Public Record Office of Northern Ireland.

1.—(1) There shall be established a Public Record Office of Northern Ireland for the reception and preservation of public records to which this Act applies.

(2) This Act shall apply to the following public records:—

(*a*) Northern Ireland records, that is to say, all records of any court, Government department, authority or office in Northern Ireland with respect to which the Parliament of Northern Ireland has power to make laws, and

(*b*) Imperial records, that is to say, public records appertaining to Northern Ireland to which this Act may be applied by any order made by the Governor of Northern Ireland in Council under the provisions of this Act, and not being Northern Ireland Records.

(3) For the purposes of this Act the expression "records" means rolls, records, writs, books, proceedings, decrees, bills, warrants, accounts, maps, papers and documents of a public nature.

Charge and superintendence of records, and appointment of Deputy Keeper and staff.

2.—(1) The Northern Ireland records shall be under the charge and superintendence of the Minister of Finance for Northern Ireland for the time being (in this Act re-

Digitized by Google

on behalf of the Governor of Northern Ireland, and shall be removed to the Public Record Office of Northern Ireland in manner hereinafter in this Act provided:

Provided that, until such removal, the persons having the care of any such records shall continue to have the charge of them subject to such orders as the Minister of Finance is by this Act empowered to give concerning the same.

(2) The Minister of Finance shall appoint a fit person duly qualified by his knowledge of records to be Deputy Keeper of the Records of Northern Ireland, and such Deputy Keeper shall act as chief Record Keeper under the Minister of Finance, and shall superintend all persons employed in the Public Record Office of Northern Ireland in keeping the records in the custody of the Minister of Finance, and shall discharge all such other duties as may be required of him under this Act and subject to such directions as he may receive from the Minister of Finance.

(3) The Minister of Finance shall appoint all such officers, clerks and servants as shall be necessary for the purposes of this Act, and the persons so appointed shall assist in executing this Act under the superintendence of the Deputy Keeper of the Records of Northern Ireland in such manner as the Minister of Finance may direct.

(4) The said Deputy Keeper of the Records and officers, clerks and servants shall be removable by the Minister of Finance.

(5) There shall be paid out of moneys provided by Parliament to the said Deputy Keeper of the Records and to the officers, clerks and servants appointed in pursuance of this section, such annual salaries or remuneration as the Minister of Finance may determine.

Removal of accumulating records to Record Office.

3. The Minister of Finance shall by warrant under his hand from time to time appoint a fit person to attend all courts, Government departments or offices in Northern Ireland and in his name to receive and take charge of all Northern Ireland records of which the charge and superintendence are by this Act vested in the Minister of Finance, and the judge of the court or principal officer of the department or office to which any Northern Ireland records belong, upon sight of the warrant of the person thereby appointed to take charge of the Northern Ireland records to be delivered from that court, department or

Digitized by Google

give the necessary orders to the proper officer of his court, department or office for the delivery thereof. As soon as such Northern Ireland records have been so delivered to the person appointed to receive them in pursuance of such warrant, such Northern Ireland records shall be deemed to be in the custody of the Minister of Finance and shall forthwith be removed to and deposited in the Public Record Office of Northern Ireland, and shall be subject to the rules made under this Act ; and the person receiving any such Northern Ireland records shall thereupon deliver the schedule thereof and receipt for the same under his hand to the judge or officer from whom he receives them, and shall deliver a copy of such schedule to the Minister of Finance or to the officer appointed by the Minister of Finance to receive the same into the said Public Record Office:

Provided that—

(*a*) In the case of Northern Ireland records forming part of the records of any court of justice, no such warrant shall be issued by the Minister of Finance without the approval and countersignature of the Lord Chief Justice of Northern Ireland ;

(*b*) every such warrant shall specify and describe the Northern Ireland records intended to be delivered to the person thereby authorised to receive them ;

(*c*) the Minister of Finance shall not issue any such warrant for the removal of any Northern Ireland records unless or until the records described in such warrant are of the age of twenty years from the making thereof, or, if the records are under that age, unless the removal thereof has been requested by the judge of the court or principal officer of the department or office to which they belong, and, in the case of records of a court, with the approval also of the Lord Chief Justice of Northern Ireland ;

(*d*) If it appears to the judge of any court, with the approval of the Lord Chief Justice of Northern Ireland, or to the principal officer of any Government department or office, that it will be conducive to the ends of justice or to the due performance of the business of such court, department or office that any records belonging

Digitized by Google

body of the Minister of Finance at the end of twenty years from the making thereof, it shall be lawful for such judge or principal officer to certify in writing accordingly to the Minister of Finance, and the Minister of Finance upon receiving such certificate may from year to year, but not for any time longer than a year without a new certificate, withhold the issue of any warrant for the removal into his custody of the records mentioned in such certificate.

Validity of records after removal.

4. The removal of any Northern Ireland record to the Public Record Office of Northern Ireland by and in accordance with this Act shall not in any manner affect the legal authenticity of that record, but any such record deposited in that Public Record Office and there kept under the authority of this Act, shall be taken to be in its legal place of deposit, and every such record so removed shall be of the same legal validity in all courts and proceedings as if such record had not been removed.

Deposit of documents in Record Office by trustees or other persons.

5. It shall be lawful for any trustee or other person having the custody of any deeds or documents, which in the opinion of the Minister of Finance are fit to be deposited in the Public Record Office of Northern Ireland, so to deposit the same with the permission of the Minister of Finance, and subject to any rules to be made under this Act, in a repository which may be provided for that purpose in the said Public Record Office, and any deeds or documents so deposited shall be deemed to be Northern Ireland records in the custody of the Minister of Finance.

Seal of Record Office, certified copies of records, and effect of same.

6.—(1) The Minister of Finance shall cause to be made a seal of the Public Record Office of Northern Ireland, and shall cause to be sealed or stamped therewith all certified copies, made as hereinafter in this section provided, of any Northern Ireland records in his custody.

(2) The Minister of Finance or Deputy Keeper of the Records of Northern Ireland may allow copies to be made of any Northern Ireland record in the custody of that Minister, at the request and cost of any person desiring to procure the same, and any copy so made shall be examined and certified as a true and authentic copy by the said Deputy Keeper of the Records, or by such officer of the Public Record Office of Northern Ireland as the Minister of Finance may appoint for that purpose, and

Digitized by Google

Record Office without any proof of the seal or stamp or of the signature, or official character of the person purporting to have signed the same, and shall be delivered to the person for whose use the copy was made.

(3) Every copy of a Northern Ireland record in the custody of the Minister of Finance, certified under this section and purporting to be sealed or stamped with the seal of the Public Record Office of Northern Ireland, shall be received as evidence in any court of justice and before any legal tribunal in Northern Ireland, and before either House of the Parliament of Northern Ireland or any committee of either or both of those Houses, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

Printing, publication, sale and distribution of records, calendars, etc.

7.—(1) It shall be lawful for the Governor of Northern Ireland to cause to be printed from time to time such calendars, catalogues and indexes of Northern Ireland records, and also such Northern Ireland records in the custody of the Minister of Finance, as that Minister may recommend as fit to be printed.

(2) All Northern Ireland records, calendars, catalogues and indexes of records which are printed in accordance with the provisions of this section shall be published and sold for such reasonable sums as may be approved by the Minister of Finance, and the proceeds of all such sales shall be placed to the credit of the Exchequer of Northern Ireland, and carried to the account of the Consolidated Fund thereof:

Provided that, so many printed copies of any such records, calendars, catalogues and indexes as the Minister of Finance may direct may be presented gratuitously to departments of the Government, institutions and libraries in Northern Ireland.

(3) The Minister of Finance shall have power to purchase, for the use of the Public Record Office of Northern Ireland, such private calendars, catalogues and indexes to the Northern Ireland records as the Minister of Finance may think fit, and every calendar, catalogue and index to any Northern Ireland records in the custody of the Minister of Finance which may be compiled, continued or copied after the passing of this Act by any officer of, or person employed in, the said Public Record Office, except such printed copies as may be sold or pre-

Digitized by Google

Governor of Northern Ireland for the use of the said Public Record Office.

Power to make rules as to disposal of valueless documents.

8.—(1) The Minister of Finance, with such approval as is hereinafter in this section mentioned, may, if he thinks fit, make rules respecting the disposal by destruction or otherwise of documents which are deposited in or can under this Act be removed to the Public Record Office of Northern Ireland as Northern Ireland records, and which are not of sufficient public value to justify their preservation in the said Public Record Office. Such rules shall—

(*a*) so far as they relate to documents of any court, be made with the approval of the Lord Chief Justice of Northern Ireland; and

(*b*) so far as they relate to documents removed or about to be removed to the said Public Record Office from any Government department or public office in Northern Ireland, be made with the approval of the head of such department or the principal officer of such office.

(2) Before the power of disposal given by this section is exercised as to any documents, the Minister of Finance shall cause a schedule to be prepared of the documents proposed to be disposed of, showing a list of these documents and such particulars as to their character and contents as may be calculated to enable the Houses of Parliament to judge of the expediency of disposing of such documents in the proposed manner. Where there are several documents of the same class or description, it shall be sufficient to classify them, as far as practicable, according to their nature and contents, instead of specifying each document separately. Such schedule shall be laid before both Houses of Parliament, and if, during the next ten days on which either House shall sit, a resolution is passed by either House requiring the preservation of any scheduled record, such record shall not be disposed of.

(3) No rule made in pursuance of this section shall provide for the disposal of any documents of older date than the year eighteen hundred.

(4) Every rule made in pursuance of this section shall be laid before both Houses of Parliament within twenty-one days after it is made, if Parliament be then sitting, and, if not sitting, within twenty-one days after the next meeting of Parliament, and if neither House of

Digitized by Google

Governor of Northern Ireland to withhold his assent from the rule, the Governor of Northern Ireland, may, by Order in Council, approve of the rule. Every such rule, when approved by Order of the Governor in Council, shall, subject to revocation or alteration by a subsequent rule, have effect as if it were enacted in this Act.

ules for anagement Record ffice.

9. The Minister of Finance shall (without prejudice to the provisions of this Act with respect to the disposal of valueless documents) have power to make rules for carrying this Act into execution, and, in particular, with respect to all or any of the following matters :—

(1) The management of the Public Record Office of Northern Ireland ;

(2) The admission of persons to the use of the Northern Ireland records, calendars, catalogues and indexes, in his custody ;

(3) The amounts of the fees which he shall think proper to be paid in connection with the use of the Northern Ireland records under his charge and superintendence, and the cases in which the payment of fees may be dispensed with ;

(4) Any other matter with respect to which rules may be made under this Act.

Every such rule shall be laid before both Houses of Parliament within twenty-one days after it is made, if Parliament be then sitting, or, if not sitting, within twenty-one days after the then next meeting of Parliament.

All fees payable in accordance with any such rule shall be paid to the credit of the Exchequer of Northern Ireland, and carried to the account of the Consolidated Fund thereof.

nnual eport.

10. The Deputy Keeper of the Records of Northern Ireland, under the direction of the Minister of Finance, shall once in every year furnish a report to the Governor of Northern Ireland of the proceedings taken in the execution of this Act, and every such report shall be signed by the said Deputy Keeper of the Records and the Minister of Finance and shall be laid before both Houses of Parliament.

odification 38 & 39 ct. c. 59 d 39 & 40 ct. c. 58.

11. The Public Records (Ireland) Act, 1867, Amendment Act, 1875, and the Parochial Records Act, 1876, shall, so far as they relate to Northern Ireland records

Digitized by Google

effect with the following modifications:

(*a*) Records belonging to such parishes shall, subject to the provisions of the said Acts, be under the charge and control of the Minister of Finance in the name and on behalf of the Governor of Northern Ireland, and the Minister of Finance shall be substituted in the said Acts for the Master of the Rolls;

(*b*) References to the Public Record Office of Ireland shall be construed as references to the Public Record Office of Northern Ireland;

(*c*) References to the Deputy Keeper of the Records shall be construed as references to the Deputy Keeper of the Records of Northern Ireland; and references to the Assistant Deputy Keeper of the Records shall be construed as references to such officer as may be appointed by the Minister of Finance under this Act for the purpose of certifying copies of Northern Ireland records;

(*d*) The reference in section five of the said Act of 1876 to the Commissioners of Public Works in Ireland and one of their officials shall be construed as a reference to the Ministry of Finance for Northern Ireland and an officer of that Ministry;

(*e*) Section seven of the said Act of 1876 shall not have effect;

(*f*) References to the Public Records (Ireland) Act, 1867, shall be construed as references to this Act.

Application of Act to Imperial records.

12. If provision is made by or in pursuance of any Act of the Parliament of the United Kingdom, or by any authority of the Government thereof, for the removal to, and the reception and preservation in, the Public Record Office of Northern Ireland of any Imperial Records within the meaning of this Act, the Governor of Northern Ireland may, by Order in Council, apply the provisions of this Act, with such modifications as may be specified in the Order in Council, to the purposes of such removal, reception and preservation.

Short title.

13. This Act may be cited as the Public Records Act (Northern Ireland), 1923.

Digitized by Google

An Act to establish local authorities for education in Northern Ireland; to make better provision therein as respects education, school attendance, the employment of children and young persons, the health and welfare of school children and afflicted children, and the training and employment of school teachers; and for purposes connected therewith. [22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

Advisory Council and Local Authorities and Committees.

ory
l on
ional
s.

1.—(1) For the purpose of advising the Ministry of Education for Northern Ireland (in this Act referred to as "the Ministry") on educational matters, there shall be established an Advisory Council, whose members shall be appointed by the Minister of Education for Northern Ireland (in this Act referred to as "the Minister"), and the Ministry shall take into consideration any advice or representation submitted to it by the Advisory Council.

(2) The constitution and proceedings of the Council shall be regulated from time to time by Minutes to be made by the Minister and laid before both Houses of Parliament:

Provided that—

(*a*) the Council shall consist of not more than twenty-one members, who shall hold office for such periods, not exceeding three years, as the Minister may by any such Minute determine, and who shall be eligible for re-appointment;

Digitized by Google

temporary appointment by the Minister as additional members not more than seven persons having special knowledge of any matters which may be referred to the Council by the Minister; and

(c) the Council shall be summoned by the Minister, and shall meet twice each year, and at such other times as the Minister may consider necessary.

Local education authorities and committees.

2.—(1) For the purposes of this Act the council of each county and county borough shall be a local authority for education (in this Act referred to as an "education authority") and the county or county borough shall, for those purposes, form the education area of the education authority.

(2) The powers and duties under this Act of an education authority, being the council of a county borough, shall, except as respects the raising of money by rate or loan, the general control of expenditure to such extent as that control may be retained by the education authority themselves, and the acquisition, holding or disposal of land, be exercised and performed through an education committee of the council, consisting of twenty-one members appointed by the council either from the members of their own body or partly from those members and partly from other persons, as the council think fit.

The powers and duties of the council of a county borough as an education authority, other than those required to be exercised and performed through the education committee, may be exercised and performed through such committee consisting of members of the council, and on such conditions, as the council think fit.

(3) The powers and duties under this Act of an education authority, not being the council of a county borough, shall be exercised and performed through regional education committees to be established under schemes framed by the education authority and confirmed by orders made by the Ministry in accordance with the provisions hereinafter in this section contained:

Digitized by Google

Provided that the education authority shall themselves exercise and perform all their powers and duties in relation to—

(*a*) the raising of money by rate or loan;

(*b*) the general control of expenditure to such extent as that control may be retained by the education authority themselves;

(*c*) the acquisition, holding or disposal of land; and

(*d*) any other matters specified in the schemes framed and confirmed as aforesaid with respect to any particular education authority, as being matters in relation to which that authority ought to retain executive powers.

(4) Regional education committees shall be established throughout each county for such combinations of county districts or for such single county districts as may be assigned to each such committee by the schemes framed by the education authority and confirmed by the Ministry, and in establishing regional education committees and assigning county districts to those committees, the schemes shall, so far as practicable, secure—

(*a*) that each committee shall consist, unless the Ministry otherwise determines, of not less than fifteen nor more than twenty-one members, and shall include persons appointed by the education authority either from members of their own body or partly from those members and partly from other persons, as the education authority think fit; and persons appointed by the councils of the urban and rural county districts in the education area, from members of those councils, or from other persons as they think fit; and

(*b*) that the combination of county districts or single county district assigned to the committee is an area suitable for educational purposes, having regard to population, rateable valuation, geographical considerations, and existing or prospective educational facilities.

(5) A combination of county districts which are situated in more than one county may be assigned by two

Digitized by Google

or more education authorities acting jointly to a single regional education committee in any particular case, where the Ministry is satisfied that it is not practicable to obtain within a single county a combination of county districts which is suitable for educational purposes, having regard to the requirements of paragraph (*b*) of the last preceding sub-section; and, in any such case, the general control over the expenditure of a regional education committee, so far as that control is under this Act retained by the education authority, and the powers of raising money by rate or loan shall be exercised, in accordance with regulations of the Ministry, after reference to a joint committee consisting of members of the several education authorities concerned.

(6) Any order made by the Ministry for confirming a scheme under this section may make modifications in the scheme as framed by the education authority and may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the scheme, and any such order shall, subject to revocation or alteration by a subsequent order, have effect as if enacted in this Act.

Before any such order is made the Ministry shall cause the proposed order to be published for such period and in such manner as the Ministry may consider necessary in order to make the same known to the education authority and all other persons interested, and shall consider any objections and representations respecting the proposed order, and may cause a local inquiry to be held, if the Ministry sees fit to do so. When the period of publication has expired, the Ministry may make the order with such modifications as seem desirable, and shall cause the same to be published in the Belfast Gazette, and in a newspaper circulating in the education area or county districts concerned.

School committees.

3.—(1) The education authority shall make provision, according to their powers and duties under this Act, for the local management of schools, or groups of schools, within their education area, in such manner as may be approved by the Ministry, and may, if they think fit, make such provision by means of the appointment of committees (in this Act referred to as " school committees ") to carry out, or arrange for, the lighting, heating, cleansing,

Digitized by Google

repairs, sanitation, and general upkeep of school premises and grounds, subject to the directions of the education authority:

Provided that it shall be the duty of the education authority to make provision for the appointment of a school committee in any case in which such appointment is made by this Act a necessary condition for the receipt of a contribution from the education authority towards the expenditure upon a school.

(2) The education authority shall, in providing for the appointment of a school committee—

(*a*) in general, have regard to the desirability for the representation thereon of the parents of children attending the schools, and school teachers, and other persons interested in education, and, in the case of schools transferred to the education authority, for the representation thereon of the trustees or persons by whom the school was so transferred; and

(*b*) comply with the special provisions of this Act with respect to the representatives to be appointed on the school committee, in any case in which the appointment of a school committee is made a necessary condition for the receipt of a contribution from the education authority as aforesaid.

(3) A school committee may, if the education authority so desire, exercise also in addition to the functions of management hereinbefore set forth, the function of advising the education committee, or the regional education committee, upon the following matters:—

(*a*) the sufficiency or otherwise of the school accommodation and the supply of books, apparatus, and equipment;

(*b*) the need for new schools or for the enlargement, alteration, amalgamation or closing of existing schools;

(*c*) the conveyance of children to school;

(*d*) the enforcement of school attendance, and granting of exemption therefrom under this Act;

(*e*) the employment of children and young persons;

Digitized by Google

(*f*) the care of afflicted children;

(*g*) any matter arising out of the exercise by them of their functions of management.

(4) A school committee shall not appoint any officers or servants without the consent of the education authority, and no expenditure may be incurred by them unless such consent has been previously signified.

Official advisers or assessors.

4. Such inspectors or other officers as may be designated for the purpose by the Ministry shall act as educational advisers or assessors to the education committees of or within an education area, and shall also be available for consultation by the education authority of that area. An inspector or officer acting as adviser or assessor to an education committee may, if so requested by that committee, attend meetings thereof and take part in the proceedings at any such meeting, but shall not be entitled to vote thereat.

PART II.

Schemes for Providing Education.

Submission and approval of schemes.

5.—(1) It shall be the duty of every education authority, within six months after the appointed day, or such later date as the Ministry may approve in particular cases, to prepare and submit for the approval of the Ministry:—

(*a*) a scheme for the adequate provision by the education authority (either alone or in combination with other education authorities, educational institutions or agencies) throughout the education area of all forms of elementary, intermediate and secondary education in day schools;

(*b*) a scheme for the provision by the education authority, either alone or in combination with other education authorities, technical instruction committees, educational institutions, or agencies, of further instruction in day or evening schools or classes for children or persons who are not in attendance at elementary, intermediate or secondary schools, and who are no longer required by this Act to attend school;

(*c*) a scheme for the exercise by the education authority of their powers under this Act to facilitate attendance at intermediate or secon-

Digitized by Google

dary schools and other institutions, and to provide scholarships in public elementary schools.

(2) Every such scheme shall be accompanied by an estimate of the expenditure involved therein.

(3) An education authority may at any time and shall, if and when so required by the Ministry, prepare and submit for the approval of the Ministry a revised scheme or modifications of an existing scheme under this section.

equire-
ents in
lation to
chemes.

6.—(1) In schemes under this Part of this Act provision shall be made for a sufficient supply of free public elementary education for children, who are required under Part VI. of this Act to attend school.

(2) An education authority, in preparing schemes under this Part of this Act, shall have regard to any existing supply of efficient and suitable schools or colleges within their education area, and to any proposals to provide such schools or colleges.

(3) Before submitting schemes under this Part of this Act, an education authority shall consult with the council of any urban county district having powers and duties in relation to technical instruction in the education area, and with managers of existing schools in that area, with reference to the mode in which, and the extent to which, any such council or managers will co-operate with the education authority in carrying out their scheme, and when submitting their scheme shall report to the Ministry as to the co-operation which is to be anticipated from any such council or managers.

Any such council or managers may, if they so desire, submit to the Ministry as well as to the education authority, for consideration in connection with the scheme for the education area, any proposals or representations relating to the provision or organisation of education in the urban county district, or in the part of the education area for which the said existing schools were established.

PART III.

Elementary Education.

Definition of
elementary
education
and public
elementary
school.

7. For the purposes of this Act, the expression "elementary education" means an education, both

Digitized by Google

literary and moral, based upon instruction in the reading and writing of the English language and in arithmetic, provided for pupils who are in general of an age below fourteen years, and the expression "public elementary school" means a school or department of a school in respect of which grants are paid out of moneys provided by Parliament, and in which elementary education is the principal part of the education provided.

Duty to provide and maintain public elementary school accommodation, &c.

8.—(1) The education authority shall, in accordance with and subject to the provisions of this Act, and of any scheme approved by the Ministry, provide, maintain and keep efficient such public elementary schools (in this Act referred to as "provided schools") as are determined by the Ministry to be necessary in order to provide accommodation for all the children of school age resident in the education area for whose elementary education sufficient and suitable provision is not otherwise made and may supply school apparatus and everything necessary for the efficiency of the schools provided by them.

The education authority may, if they think fit and if there exists otherwise a sufficient supply of free places available for such children, charge, in such provided schools, or schools transferred to the education authority, as may be approved by the Ministry for the purpose, fees to such extent and at such rate as may be so approved. A scale of school fees in any public elementary school, other than a provided school or school transferred to the education authority, shall not be fixed, except with the approval of the Ministry; and no scale of school fees, which immediately before the appointed day was in force in any public elementary school under the provisions of the Irish Education Act, 1892, shall be altered, except with such approval.

55 & 56 Vict. c. 42

(2) An education authority may, subject to the provisions of this Act, discontinue any school provided by, or transferred to, them, or change the site of any such school, if they satisfy the Ministry that the school to be discontinued is unnecessary or that the change of site is expedient.

(3) The education authority may, at their discretion, provide, or assist in the provision of, books, stationery and other school requisites for the use of children attending a public elementary school in their education area, whether being a provided school or not.

Digitized by Google

Necessity for schools.

9. If at any time it is determined by the Ministry that the continuance of a provided school or of a public elementary school transferred to an education authority is not necessary, no grants out of moneys provided by Parliament shall be payable by the Ministry to, or in respect of, such school, and steps shall be taken by the education authority for discontinuing any such school within such time as the Ministry may direct and for providing for the education of the children in attendance thereat by such other means as may be approved by the Ministry:

Provided always that, in the case of a school transferred to the education authority, the terms and conditions on which the transfer has been effected shall be duly complied with.

Practical and advanced instruction.

10. It shall be the duty of an education authority, with the approval of the Ministry, to make, or otherwise to secure, adequate and suitable provision by means of central schools, central or special classes, or otherwise—

(*a*) for including in the course of education at public elementary schools, at appropriate stages, practical instruction suitable to the ages, abilities, and requirements of the children; and

(*b*) for organising in public elementary schools, approved by the Ministry for the purpose, courses of advanced instruction for the older or more intelligent children in attendance at such schools, including children who stay at such schools beyond the age of fourteen.

Nursery schools.

11. An education authority shall have power, subject to the provisions of this Part of this Act, to make arrangements, with the approval of the Ministry, for—

(*a*) supplying or aiding the supply of nursery schools or special classes for children over two and under five years of age, or such later age as may be approved by the Ministry, whose attendance at such a school is necessary or desirable for their healthy physical and mental development; and

(*b*) attending to the health, nourishment, and general welfare of children attending nursery schools.

Vacation, schools, &c.

12. An education authority shall have power, subject to the provisions of this Part of this Act, to provide, with the approval of the Ministry, for children attending any public elementary school, vacation schools, vacation

Digitized by Google

classes, play-centres, or other means of recreation during their holidays or at such other times as the education authority may prescribe, in the schoolhouse or in some other suitable place, so far as the education authority, in the case of a schoolhouse or place not belonging to them, can obtain for the purpose the use of the schoolhouse or place.

Co-operation with voluntary agencies

13. In the exercise of their powers in relation to the supply or provision of nursery schools or means of recreation, or in relation to the health, nourishment and physical welfare of children attending nursery schools, the education authority may encourage and assist the establishment or continuance of voluntary agencies, and may associate with themselves representatives of voluntary associations for the purpose, and no expenditure shall be incurred by the education authority in the exercise of those powers unless they can show to the satisfaction of the Ministry that the activities of voluntary agencies are inadequate.

Transfer of public elementary schools to education authorities.

14.—(1) The Model Schools named in the First Schedule to this Act may at any time, if the Ministry so directs, be transferred respectively from the Ministry to the education authorities specified in that Schedule.

(2) It shall be lawful for the managers of any school, which at the appointed day is a national school or a school recognised by the Ministry as providing efficient elementary education, notwithstanding any provision contained in any instrument regulating the trusts or management of such school, to make an arrangement under the Second Schedule to this Act for the transfer of the school, and any land, buildings or equipment held or used in connection therewith (including a teacher's residence), to the education authority, upon such terms and conditions as may be arranged between the parties concerned with the approval of the Ministry, and the provisions of the Second Schedule to this Act shall apply with respect to any such transfer.

A school transferred under this section is in this Act referred to as a "transferred school."

(3) Any grant out of moneys provided by Parliament payable to or in respect of a transferred school (other than a grant in respect of a teacher's salary) which has accrued in respect of a period before the date of transfer shall be paid by the Ministry to the education authority, and shall be applied by the authority in payment of any liabilities on account of the school then outstanding, and,

Digitized by Google

so far as not required for that purpose, towards the maintenance of the school.

(4) A transferred school shall, subject to the provisions of this Act, be held, maintained and managed as a public elementary school upon such terms and conditions as may be agreed upon, and the trustees or persons transferring such school to the education authority shall, as from the date of such transfer, be absolutely freed and discharged from all responsibility in connection therewith, whether under any deed of trust relating thereto or otherwise:

Provided that—

(*a*) the existing staff of teachers (other than teachers who have been employed in the school for a period of less than six months immediately before the transfer) shall be taken over, and shall from the date of transfer be placed as regards appointment, dismissal and remuneration on terms not less favourable than those applicable to them before the transfer;

(*b*) the last preceding proviso may, if the education authority agree, be applied to any teachers who have been employed in such school for a period of less than six months immediately before the transfer.

(5) Any question which may arise as to the due fulfilment or observance of any provision or requirement of the preceding sub-section shall be referred to the Ministry whose decision shall be final.

(6) A school established after the appointed day to which this section would have applied had the school been in existence at that day, may be transferred to the education authority upon such terms and conditions as may be arranged between the parties themselves with the approval of the Ministry, and the provisions of this section shall, with the necessary modifications, apply to any such transfer and to any school so transferred.

(7) Where a national school or other school recognised by the Ministry as providing efficient elementary education is vested in the Ministry, the provisions of this section shall apply so as to enable the Ministry to make an arrangement for the transfer of the school to the education authority, if the managers of the school consent; and in that case the provisions of the Second Schedule to this Act shall apply as if the Ministry, and not the actual managers of the school, were the persons empowered to make the arrangement for such transfer

Digitized by Google

this Act may provide for the future re-transfer by the education authority of a transferred school or institution to such persons, and upon such conditions, as may be specified in the arrangement, and the provisions of the said Schedule shall apply accordingly for the purposes of any such re-transfer.

(9) A teacher's residence shall, notwithstanding the completion of the repayment of any statutory loan by means of which the residence has been provided, continue to be held during the term of the estate of the trustees upon the same trusts and conditions as it was held during the period of repayment, and any arrangement made under the Second Schedule to this Act with respect to a teacher's residence shall provide accordingly.

For the purposes of this subsection, the expression " teacher's residence " means premises provided, erected, enlarged, structurally improved, or purchased by means of a loan made under the National School Teachers Residences (Ireland) Act, 1875, as amended by any subsequent enactment, and the expression " statutory loan " means a loan made as aforesaid.

38 & 39 Vict. c. 82.

Duties of education authorities in relation to voluntary schools.

15.—(1) It shall be the duty of the education authority to consider the needs of any public elementary school within the education area which is not a provided school or a transferred school but which complies with the requirements of the Ministry in relation to public elementary schools (in this Act referred to as a " voluntary school "), and is certified by the Ministry as necessary for the education area.

(2) If the managers or body controlling a voluntary school, not being a school vested in the Ministry—

(*a*) satisfy the education authority that the school will be carried on for some stated period, not being less than eighteen months, as a public elementary school, free of any charge to the education authority over and above the contribution hereinafter provided for; and

(*b*) submit to the education authority estimates of—

(i) any proposed expenditure on the lighting, heating and cleansing of the school premises and grounds;

(ii) such proposed expenditure on equipment, repairs, renewals and general upkeep as should ordinarily be met from year to year,

Digitized by Google

have approved of the estimates, to contribute a sum equal to one-half of the expenditure within such estimates:

Provided that if any demand is made by the managers or body controlling a voluntary school to which this sub-section applies for a contribution towards any expenditure within such estimates, other than expenditure on the lighting, heating and cleansing of the school premises and grounds, the education authority shall not make a contribution in accordance with such demand unless a school committee is appointed for the school, in accordance with a scheme framed under this Act, to consist of not more than two representatives of the education committee, and not more than four representatives of the managers or trustees, and to have power to associate with themselves, in an advisory capacity, representatives of the parents of children attending the school and representatives of the school teachers.

(3) If the managers or body controlling a voluntary school vested in the Ministry resolve that the provisions of the last preceding sub-section shall apply to the school, the duty of the education authority in respect of contributions towards the expenditure upon the school shall be regulated by that sub-section; and, if the said managers or body do not so resolve, it shall be the duty of the education authority to contribute towards the expenditure upon the school such sum as the Ministry may in each case decide.

(4) Any question which may arise as to any contribution under either of the two last preceding subsections shall be referred to the Ministry, whose decision shall be final.

(5) Where the contribution of the education authority under this section in respect of a voluntary school is limited to expenditure on lighting, heating and cleansing, and no school committee has been appointed for such school, the managers or body controlling such school—

(*a*) shall continue to comply with the requirements of the Ministry in relation to public elementary schools; and

(*b*) shall not cease to carry on such school unless they have given eighteen months' notice to the education authority of their intention so to do.

Digitized by Google

thority, if they think fit, to contribute towards the provision or equipment of a new voluntary school or towards the alteration, enlargement or reconstruction of an existing voluntary school, under such conditions as may be approved by the Ministry for securing the continuance of the school and the repayment in whole or in part of any such contribution in the event of the school being sold or discontinued or used for any other purpose than a public elementary school; and it shall be lawful for the Ministry to make, out of moneys provided by Parliament, grants to or in respect of any of the said schools which comply with the requirements of the Ministry:

Capital expenditure on voluntary schools, &c.

Provided that no assistance from moneys provided by Parliament, or administered by the education authority, shall be given to or in respect of a school under this section unless a school committee, approved by the Ministry, is appointed for such school.

(2) All sums contributed by the education authority under this section in respect of any voluntary school, to the extent to which the value of the school buildings has been enhanced owing to the expenditure thereof, shall be a charge in favour of the education authority upon the lands held for the purposes of the school, and the amount by which such value is so enhanced shall, in case the said buildings or equipment are sold or put to any other use than that of a public elementary school, or other purpose of this Act approved by the Ministry, be recoverable by the education authority from any person in whom is vested, for the time being, the estate or interest in such school or lands, which was formerly held for the purposes of the school. The amount by which such value is so enhanced shall in case of dispute be determined by the Ministry.

Facilities for elementary education of children in outlying districts.

17. The education authority shall have power to incur expenditure in bringing elementary education within easier reach of children in outlying parts of their education area; and for this purpose the education authority shall have power to provide means of conveyance, or to pay travelling expenses for pupils, to provide lodging or board and lodging in convenient proximity to the school, or to defray in whole or in part the cost of such means of conveyance or lodging or board and lodging on such terms and conditions in each case as, having regard to all the circumstances (including the

Digitized by Google

education authority may consider reasonable.

Power to provide scholarships in public elementary schools.

18. It shall be lawful for an education authority to aid by means of scholarships the education of children between the ages of twelve and fourteen years in public elementary schools, whether under the management of the education authority or not.

PART IV.

Higher Education.

Power to aid higher education.

19. It shall be the duty of the education authority to take such steps (whether by the provision of schools, or by contributing towards the provision, equipment, alteration, enlargement, or reconstruction of a school, or otherwise) as seem to them desirable, subject to the provisions of this Act and the scheme approved by the Ministry, to supply or aid the supply of higher education and to promote the general co-ordination of all forms of education.

For the purposes of this Act, the expression "higher education" means any form of education other than elementary or agricultural education, and includes education complying with regulations of the Ministry and given—

(*a*) at a preparatory school, that is to say, a school or department of a school providing instruction suitable for preparing pupils for entry to an intermediate or secondary school; or

(*b*) at an intermediate school, that is to say, a school or department of a school providing at least a three years' course of instruction in such subjects as may from time to time be deemed suitable for pupils who, before entrance, have reached such stage (hereinafter in this section referred to as the "qualifying stage") of attainment in elementary education as may be prescribed by the Ministry; or

(*c*) at a secondary school, that is to say, a school or department of a school providing at least a five years' course of instruction in the subjects aforesaid beyond the qualifying stage.

Power to facilitate attendance at intermediate and secondary schools and other institutions

20.—(1) It shall be lawful for the education authority, with a view to securing that no child or young person who—

(*a*) is ordinarily resident in their education area, and

Digitized by Google

teachers of the school at which the child has been in attendance, shows promise of profiting by attendance at an intermediate or a secondary school,

shall be debarred from such attendance by reason of the expense involved, to grant assistance in the case of any such child or young person by payment of travelling expenses, education fees or cost of residence in a hostel, or by the provision of a scholarship or otherwise, as the education authority think fit. It shall also be lawful for the education authority to assist by similar means any person ordinarily resident in their education area, and having like qualifications as aforesaid for assistance in respect of attendance at a University or training college, to attend a University or training college or other place of higher education approved for the purpose by the Ministry.

(2) The powers given to an education authority under this section shall be exercised in such manner as may be approved by the Ministry.

Transfer of intermediat or secondar school to education authority.

21. It shall be lawful for the owners or trustees of any school, which at the appointed day is an intermediate or secondary school recognised by the Ministry, notwithstanding any provision contained in any instrument regulating the trusts or management of such school, to transfer the school, and any land, buildings or equipment held or used in connection therewith, to the education authority upon such terms and conditions as may be arranged between the parties concerned with the approval of the Ministry. The provisions of the Second Schedule to this Act shall apply with respect to any such transfer, and on the completion of the transfer the school shall be conducted by the education authority as a public intermediate or secondary school, but subject to discontinuance upon such terms as may be approved by the Ministry:

Provided that—

(*a*) the existing staff of teachers (other than teachers who have been employed in the school for a period of less than six months immediately before the transfer) shall be taken over by the education authority, and shall from the date of transfer be placed as regards appointment, dismissal and remuneration on terms not less

Digitized by Google

(*b*) the last preceding proviso may, if the education authority agree, be applied to any teachers who have been employed in such school for a period of less than six months immediately before the transfer.

ntinuation
hools and
sses for
chnical
truction,

22.—(1) It shall be the duty of the education authority, acting either alone or in combination with other education authorities or educational institutions, to make provision, in accordance with a scheme approved by the Ministry, for affording to persons resident in the education area, by means of day or evening continuation schools or classes or otherwise—

(*a*) technical instruction as in this section defined, so far as provision for technical instruction is not otherwise made, in accordance with the provisions of this Part of this Act, by the council of any urban county district within the education area;

(*b*) instruction in the principles of hygiene and domestic economy; and

(*c*) opportunities for physical training.

& 53
t. c. 76,
& 55
t. c. 4.

The Technical Instruction Acts, 1889 and 1891, shall, as from the appointed day, cease to have effect.

(2) The expression "technical instruction" means instruction in the principles of science and art applicable to industries, and in the application of special branches of science and art to specific industries or employments. It does not include instruction given in elementary schools, but, save as aforesaid, includes instruction in the branches of science and art with respect to which grants are for the time being made out of moneys provided by Parliament, and any other form of instruction (including modern languages and commercial subjects) which may for the time being be sanctioned by the Ministry by a regulation to be laid before Parliament and made on the representation of an education authority that such form of instruction is required by the circumstances of the education area; and the said expression also includes instruction in the use of tools, and modelling in clay, wood or other material. The expression "technical schools and classes" means schools and classes in which technical instruction as aforesaid is given.

Digitized by Google

respect to the exercise and performance of the powers and duties of the council of an urban county district in relation to technical instruction, that is to say—

Provisions as to technical instruction in urban districts.

(1) If the council have not before the appointed day appointed or joined in the appointment of a committee under section fourteen of the Agriculture and Technical Instruction (Ireland) Act, 1899, the powers of the council in relation to technical instruction shall cease to be exerciseable.

62 & 63 Vict. c. 50.

(2) If the council have before the appointed day appointed or joined in the appointment of a committee under the said section, the council shall exercise and perform, as respects the urban county district, the powers and duties of an education authority under this Part of this Act in relation to the provision of technical instruction, and for that purpose shall have power—

(*a*) to appoint a committee, constituted in like manner as a committee under the said section;

(*b*) to defray their expenses out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1918;

(*c*) to borrow money as if the said purpose were a purpose for which the council are authorised to borrow under the said Public Health (Ireland) Acts.

Provided that—

(i) The Ministry by order may determine that the said powers and duties shall cease to be exercised and performed, and that the district shall become, for the purposes of technical instruction, part of the education area of the appropriate education authority, or may combine the council with the council of any other urban county district or with any education authority, on such terms and conditions as may be prescribed by the order, for the joint exercise and performance of the powers and duties of the councils, or of the council and the education authority, in relation to technical instruction;

Digitized by Google

made with the education authority of the education area in which the urban county district is situate, and with the approval of the Ministry, relinquish in favour of the education authority all or any of the said powers and duties of the council, and such agreement when so approved shall have effect in like manner as an order of the Ministry under this section.

(3) An order or agreement under this section shall contain such supplemental, consequential and incidental provisions as may appear necessary or proper, in order to provide for any matters arising out of the cessation or relinquishment of the powers and duties of the council or any committee thereof, or out of the combination of the council with the council of any other urban county district, or with an education authority, for the purposes of technical instruction.

(4) Upon the making of any such order, or approval of any such agreement, by the Ministry, the provisions of the Third Schedule to this Act shall have effect with respect to the officers of the council or committee and the transfer from the council to an education authority of any property, rights or liabilities:

Provided that the existing staff of teachers (other than teachers who have been employed in a school or institution for a period of less than six months immediately before it is transferred to the education authority) shall be taken over by the education authority, and shall from the date of transfer be placed as regards appointment, dismissal and remuneration on terms not less favourable than those applicable to them before the transfer, and this proviso may, if the education authority agree, be applied to any teachers who may have been employed in the school or institution for a period of less than six months immediately before the transfer.

(5) Any such order or agreement may provide for the establishment of a separate school committee for the exercise, in relation to the school or institution transferred, of functions of

Digitized by Google

school committee of persons chosen by the council of the urban county district from members of the council.

Transitory provisions as to technical instruction.

24.—(1) The provisions of the Third Schedule to this Act shall have effect with respect to the officers, if any, employed in relation to technical instruction by the council of a rural county district or any committee thereof, and to the transfer from that council to the education authority of any property, rights or liabilities held, enjoyed or incurred by that council before the appointed day in connection with its powers and duties in relation to technical instruction.

(2) Any school or other permanent educational facilities established by the council of a county or county borough in pursuance of their powers in relation to technical instruction under the Technical Instruction Acts 1889 and 1891, or any other enactments, shall after the appointed day be deemed to be held or provided, and shall be managed and carried on by the council in their capacity as an education authority for the purposes of this Act, and their powers and duties in relation thereto shall be exercised and performed through the education committee or regional education committees of the council established under Part I. of this Act, except as respects powers and duties which under that Part of this Act are required to be exercised and performed by the council themselves.

Restrictions on charging of fees.

25. No person who is in the opinion of the education authority, council or other managers capable of receiving benefit from the instruction provided under this Part of this Act in continuation schools or classes for technical instruction, hygiene and domestic economy or physical training, may be refused admission thereto except on reasonable grounds. Such fees, if any, as the education authority, council or other managers may, with the approval of the Ministry, determine shall be chargeable to the persons who are admitted to such schools or classes; but the education authority, council or other managers may remit such fees in whole or in part in the case of individual pupils on such conditions having regard to regular attendance, conduct and proficiency as they think fit.

Digitized by Google

26. It shall be the duty of the education authority to afford opportunities for catechetical instruction according to the tenets of the religious denomination of the parents of children attending any public elementary school, being a provided or transferred school, and for other religious instruction to which those parents do not object (in this Act referred to as " religious instruction "); and those clergymen or other persons (including teachers at the school) to whom those parents do not object shall have access to the children in the school for the purpose of giving them there religious instruction, or of inspecting and examining the religious instruction there given, at times to be arranged in accordance with regulations of the Ministry: Provided that the education authority shall not provide religious instruction in any such public elementary school as aforesaid.

27. The managers or school committee, as the case may require, shall, as respects a public elementary school which is a voluntary school, determine whether any, and, if so, what religious instruction shall be given in the school and the persons by whom such instruction shall be given:

Provided that any such determination shall, as respects any such school to which Rule 25 or Rule 26 of the Rules and Regulations of the Commissioners of National Education in Ireland applied immediately before the first day of February, nineteen hundred and twenty-two, be in conformity with such Rule, or with any regulation which may be made in that behalf by the Ministry under this Part of this Act.

28. All religious instruction at every school recognised by the Ministry as a public elementary school must be arranged so that—

(*a*) the school shall be open to children of all religious denominations for combined literary and moral instruction;

(*b*) in respect of religious instruction due regard shall be had to parental right and authority, and accordingly no child shall receive or be present at any religious instruction of which its parents disapprove;

(*c*) the times for giving religious instruction in the school shall be so arranged that no child shall be

Digitized by Google

from the other advantages which the school affords; and

(*d*) the times at which religious instruction is given shall not form part of the times during which any child is required by this Act, and any bye-law made thereunder, to attend school.

Regulations of Ministry as to religious instruction.

29. The Ministry shall make such regulations as it may consider necessary for securing that the provisions of this Part of this Act are complied with in all schools recognised by the Ministry as public elementary schools, and, in particular, with respect to—

(*a*) the times during which any religious observance may be practised, or religious instruction may be given;

(*b*) the making of arrangements for religious instruction in schools; and

(*c*) the framing of time-tables and the keeping of registers in connection with religious instruction.

PART VI.

School Attendance.

Duty of parent to cause child to attend school.

30.—(1) The parent of every child between the ages of six and fourteen, or, if a bye-law made by the education authority and confirmed in accordance with this Act so prescribes, between the ages of five and fourteen, shall cause the child to attend school during such number of days in the year, and for such time on each day of attendance, as are prescribed by regulations made by the Ministry, except in so far as—

(*a*) the child being not less than twelve years of age has been exempted from school attendance by the education authority under the provisions of the Part of this Act relating to the employment of children and young persons; or

(*b*) there is a reasonable excuse for the non-attendance of the child.

(2) Any of the following reasons shall be a reasonable excuse for the purposes of this section and the bye-laws made thereunder, namely:—

Digitized by Google

from attending school by sickness or any unavoidable cause;

(*b*) that the child is receiving efficient elementary education in some other manner;

(*c*) that there is not in the case of a child under ten years of age within two miles, or in the case of a child over that age within three miles, measured according to the nearest road or public path, any public elementary school or other school recognised by the Ministry as efficient at which the child can attend:

Provided that where the education authority provide suitable means of conveyance for a child between a reasonable distance of its home and a public elementary or other efficient school, it shall not be an excuse within the meaning of this section that there is no such school within the distances hereinbefore mentioned.

Duty of education authority to enforce school attendance. 55 & 56 Vict. c. 42. 56 & 57 Vict. c. 41.

31. It shall be the duty of every education authority to take all such steps and institute all such proceedings as may be necessary for the enforcement of school attendance in their education area, in accordance with the provisions of this Act; and the provisions of the Irish Education Acts, 1892 and 1893, shall, as from the appointed day, cease to have effect:

Provided that, the provisions of the Third Schedule to this Act shall apply with respect to the transfer to an education authority of any officers who were, immediately before the appointed day, in the employment of any local authority or school attendance committee under the Irish Education Acts, 1892 and 1893, acting within their education area.

For the purposes of this Part of this Act a child shall be deemed to belong to the education area in which the child is ordinarily resident.

Power of education authority to make school attendance orders.

32. If it appears to the education authority that any parent, who is required by or under this Act to cause his child to attend school, has neglected or failed to perform his duty in that respect, the education authority

Digitized by Google

child, and to require from him information and explanation as to his neglect or failure of duty. If the parent, or some person on his behalf, either does not appear, or appears and does not satisfy the education authority that he has not neglected or failed in his duty, the education authority may make an order in writing (in this Act referred to as a "school attendance order") to the effect that the child shall attend some school willing to receive him and named in the school attendance order, being either such school as the parent may select or, if he does not select a school, then such school as the education authority think expedient, and the child shall attend that school in such regular manner as is specified in the school attendance order. The education authority shall cause a copy of the school attendance order to be served upon the parent by registered letter, or in such manner as may be prescribed by bye-law of the education authority, and a certificate under the hand of an officer of, or other person duly authorised by, the education authority, to the effect that a school attendance order has been made and served upon the parent, shall be received as evidence of what is stated therein.

Summar proceedi on disobe ence to school attendar order.

33. A court of summary jurisdiction, if satisfied on complaint made by the education authority that a school attendance order has not been complied with in the case of a child required by or under this Act to attend school, shall have the following powers:—

(*a*) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a fine not exceeding (including costs) forty shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a fine, order the child to be sent to a certified day industrial school, or, if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

(*b*) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial

Digitized by Google

a certified industrial school, and may further in their discretion inflict any such fine as aforesaid, or they may for each such non-compliance inflict any such fine as aforesaid without ordering the child to be sent to an industrial school:

Provided that—

(i) a complaint under this section with respect to a continuing non-compliance with a school attendance order shall not be repeated by the education authority at any less interval than two weeks; and

(ii) the court in lieu of ordering the child to be sent to an industrial school may make an order for the committal of the child to the care of a relative or other fit person in accordance with the provisions of section fifty-eight of the Children Act, 1908.

Edw. 7, 67.

ower to escribe ates for hool tendance.

34.—(1) The education authority shall have power to make bye-laws for prescribing two or more dates in each year as the dates of commencing and terminating, or otherwise in relation to, school attendance for children within the education area, and publication of the prescribed dates shall be made by advertisement or otherwise as the education authority think fit.

(2) For the purposes of this Act a child shall be deemed to attain the age of five, six, twelve or fourteen years respectively on the prescribed date next succeeding the fifth, sixth, twelfth or fourteenth anniversary of the child's birth, as the case may be.

uty of ead teach- s to fur- sh rtificates school tendance.

35. When a child who is required by or under this Act to attend school is removed from any school recognised by the Ministry as providing efficient education, it shall be the duty of the head teacher of the school to issue to the parent of the child a certificate showing the period during which the child was in attendance at the school, the number of attendances made during that period, and the class in the school in which the child was placed for purposes of instruction at the time of the removal. The certificate shall be exhibited by the parent upon any application for the admission of the child to any other school recognised as aforesaid, and shall also be taken into consideration by an education authority upon any application for the exemption of the child from the obligation to attend school.

Digitized by Google

General restrictions on the employment of children

36.—(1) A child under the age of twelve shall not be employed. A child between the ages of twelve and fourteen shall not be employed for more than three hours either on a day on which the child is required to attend school or on Sunday, nor for more than five hours on any other day, and no such employment shall be lawful before the close of school hours on a day on which the child is required to attend school, nor on any day before seven o'clock in the morning or after eight o'clock in the evening:

Provided that an education authority may—

(*a*) make a bye-law permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by bye-law on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning, he shall not be employed for more than one hour in the afternoon; and

(*b*) grant, without prejudice to any such bye-law as aforesaid, exemptions from school attendance in individual cases, enabling children between the ages of twelve and fourteen to be employed at specified times and in specified occupations, upon specified conditions requiring that any such child shall attend school on school days other than those on which the child is so employed.

(2) A child under the age of fourteen shall not engage or be employed in street trading, or be employed—

(*a*) to lift, carry, or move anything so heavy as to be likely to cause injury to the child; or

(*b*) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

Digitized by Google

of any child a certificate signed by a duly qualified medical practitioner that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

visions egard street ding.

37.—(1) The education authority may make bye-laws with respect to street trading by children and young persons between the ages of fourteen and sixteen, and may by such bye-laws—

(*a*) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the bye-law, or subject to the holding of a licence to trade to be granted by the education authority;

(*b*) regulate the conditions on which such licences may be granted, suspended, and revoked;

(*c*) determine the days and hours during which, and the places at which, such street trading may be carried on;

(*d*) require such street traders to wear badges;

(*e*) regulate generally the conduct of such street traders:

Provided that the education authority, in making bye-laws under this section, shall have special regard to the desirability of preventing the employment of girls under sixteen in streets or public places.

(2) For the purposes of this Part of this Act the expression "street trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, shoe-blacking, and any other like occupation carried on in streets or public places.

ictions nploy- of ren to dice of n, &c.

38.—(1) The education authority, if they are satisfied by a report of a duly qualified medical practitioner or otherwise that any child under the age of fourteen is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to,

Digitized by Google

standing that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the education authority, to furnish to the authority such information as to that employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the education authority or wilfully gives false information as to the employment, he shall be liable to a fine not exceeding forty shillings.

Restrict on empl ment of children young persons attendir school.

39. No person—

(*a*) shall employ a child in such a manner as to prevent the child from attending school according to this Act and the bye-laws made thereunder and in force in the education area in which the child resides; or

(*b*) having received notice of any prohibition or restriction as to the employment of a child issued by the education authority under this Part of this Act, shall employ a child in such a manner as to contravene the prohibition or restriction.

Offences penaltie

40.—(1) If any person employs a child or young person in contravention of the foregoing provisions of this Part of this Act, or of any bye-law made thereunder, he shall be liable to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent of a child or young person has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable to the like fine.

(3) If any person under the age of sixteen contravenes the provisions of this Part of this Act or of any bye-law made thereunder, as to street trading, he shall be liable to a fine not exceeding twenty shillings, and in case of a second or subsequent offence, if a child under the age of fourteen, to be sent to an industrial school, and, if not such a child, to a fine not exceeding five pounds.

(4) In lieu of ordering a child to be sent under this section to an industrial school, a court of summary jurisdiction may order the child to be taken out of the charge or control of the person who actually has the

Digitized by Google

the charge and control of some fit person who is willing to undertake the same until such child reaches the age of sixteen years, and the provisions of sections twenty-two and twenty-three of the Children Act, 1908, shall, with the necessary modifications, apply to any order for the disposal of a child made under this sub-section.

fences by ents and parents.

41.—(1) Where the offence of taking a child or young person into employment in contravention of the foregoing provisions of this Part of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a fine as if he were the employer.

(2) Where a child or young person is taken into employment in contravention of the foregoing provisions of this Part of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child or young person is of an age at which such employment is not in contravention of those provisions, that parent shall be liable to a fine not exceeding five pounds.

(3) Where an employer is charged with any offence under the foregoing provisions of this Part of this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the said provisions, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) Where it is made to appear to the satisfaction of any officer charged with the enforcement of this Part of this Act, at the time of discovering any such offence aforesaid, that the employer had used due diligence to enforce compliance with this Part of this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer and in contravention of his order, then the officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

Digitized by Google

42.—(1) If it appears to any justice of the peace, on the complaint of an officer of the education authority acting under this Part of this Act, that there is reasonable cause to believe that a child is employed in contravention of the foregoing provisions of this Part of this Act in any place, whether a building or not, the justice may by order under his hand empower an officer of the education authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child therein.

Power of officer of education authority to enter place of ployment.

(2) Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable to a fine not exceeding twenty pounds.

43.—(1) An information for an offence under any of the foregoing provisions of this Part of this Act (other than provisions with respect to restrictions on employment of children to prejudice of health, physical development or education, and with respect to restrictions on employment of children attending school) shall be laid within three months after the commission of the offence.

Limitatio of time taking of proceedin

(2) Proceedings under this Part of this Act may be brought by or in the name of any officer of an education authority or by a constable.

44. The Prevention of Cruelty to Children Act, 1904, shall be amended as follows:—

Amendme of 4 Edw. c. 15 as t employme of childre

(*a*) In paragraph (*b*) of section two, which restricts the employment of boys under the age of fourteen years and of girls under the age of sixteen years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale between nine p.m. and six a.m., "eight p.m." shall be substituted for "nine p.m." so far as relates to children under fourteen years of age;

(*b*) In paragraph (*c*) of section two, which restricts the employment of children under eleven years for the purpose of singing, playing or performing or being exhibited for profit, or offering anything for sale, "twelve" years shall be substituted for "eleven" years;

Digitized by Google

(*c*) In section three, which relates to licences for the employment of children exceeding ten years of age, the age of twelve years shall be substituted for the age of ten years;

(*d*) The provisions of this section shall not apply to any licence in force on the appointed day;

dw. 7, 5.

(*e*) References to the Employment of Children Act, 1903, shall be construed as references to this Part of this Act, and references to a local authority shall be construed as references to an education authority for the purposes of this Act.

ver of cation nority give stance n respect he choice mploy- nt.

45.—(1) The powers of an education authority shall include a power to make arrangements, subject to the approval of the Ministry, for giving to boys and girls on leaving school assistance with respect to the choice of suitable employment by means of the collection and communication of information and the furnishing of advice. For this purpose an education authority may make a joint arrangement or agreement with any other education authority or with any local authority, voluntary agency, or Local Employment Committee established under the Edw. 7, c. Labour Exchanges Act, 1909, and such arrangement or agreement may amongst other things provide for the proportion in which the expenses incurred under it are to be borne by the education authority and any other parties thereto respectively.

ings.

46.—(1) Nothing in this Part of this Act or in any bye-law made thereunder shall apply to the exercise of manual labour by any child under order of detention in a certified industrial or reformatory school, or by any child while receiving instruction in manual labour in any school.

(2) The provisions of this Part of this Act shall be in addition to and not in derogation of any enactments relating to the employment of children and young persons in factories, workshops, mines and quarries, and nothing therein contained shall be construed so as to prejudice or affect the operation of the Employment of Women, Young Persons, and Children Act, 1920.

and 11 . 5, c. 65.

Digitized by Google

Provisions for Health and Well-being of Scholars.

Provision medical treatment &c., for school children.

47.—(1) It shall be the duty of the education authority, in the manner and subject to the conditions prescribed by regulations made under this section, to—

(*a*) provide for the medical (including dental) inspection of children attending public elementary schools within their education area being under the management of or aided by the education authority;

(*b*) make arrangements for attending to the health and physical condition of children attending any such school; and

(*c*) so far as appears to the education authority to be necessary or expedient for the purposes aforesaid, encourage and assist the establishment or continuance of voluntary agencies and associate with themselves representatives of such agencies.

(2) In exercising their powers under this section the education authority shall act in accordance with regulations made by the Ministry of Home Affairs and approved by the Ministry.

(3) Nothing in this section shall be construed as imposing any obligation on a parent to submit his child to medical inspection or treatment, or as authorising the education authority to establish a general domiciliary service of treatment of children by medical practitioners.

(4) It shall be a condition of any grant, out of moneys provided by Parliament or raised or administered by the education authority to or in respect of any school within the education area at which there is not provision to the satisfaction of the Ministry of Home Affairs for the medical inspection and treatment of the pupils, that the managers of such school shall give all reasonable facilities for the carrying out of such inspection and treatment by such person as the education authority may appoint for that purpose.

(5) The education authority may exercise their powers under this section as respects children and young persons attending any school or educational institution,

Digitized by Google

whether aided by them or not, if so requested by or on behalf of the persons having the management of such school.

(6) The power of making orders and taking proceedings in the case of any failure or default on the part of an education authority to perform their duties under this Act shall, in the case of failure or default in the performance of duties under this section, be exerciseable by the Ministry of Home Affairs and not by the Ministry.

Recovery of costs of medical treatment.

48. Where, under the foregoing provisions of this Part of this Act, an education authority provide with the consent of the parents for the medical treatment of children or young persons attending any school or educational institution, there shall be charged to the parent of every child or young person in respect of any treatment provided for that child or young person such an amount not exceeding the cost of treatment as may be determined by the education authority; and, in the event of payment not being made by the parent, it shall be the duty of the education authority, unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount, to require the payment of that amount from the parent, and any such amount may be recovered summarily as a civil debt.

Power of education authority to provide or assist in the provision of meals for school children.

49. The education authority may take such steps as they think fit for the provision of meals for children in attendance at public elementary schools within the education area, both on days when the school meets and on other days, and for this purpose—

(*a*) may associate with themselves any committee or voluntary association on which the education authority are represented which will undertake to provide food for those children (in this Act called a " school meals committee "), and

(*b*) may aid that committee by furnishing such building, furniture and apparatus and such officers and servants as may be necessary for the organisation, preparation and service of such meals;

but save as hereinafter provided, the education authority shall not incur any expense in respect of the purchase of food to be supplied at such meals.

Digitized by Google

every child in respect of every meal furnished to the child under this Act such an amount as may be determined by the education authority; and, in the event of payment not being made by the parent, it shall be the duty of the education authority, unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount, to require the payment of that amount from the parent, and any such amount may be recovered summarily as a civil debt.

Recovery the cost meals.

(2) The education authority shall pay over to the school meals committee so much of any money paid to them by, or recovered from, any parent as may be determined by the authority to represent the cost of the food furnished by the committee to the child of that parent, less a reasonable reduction in respect of the expenses of recovering the same.

51. Where the education authority resolve that any of the children attending a public elementary school within the education area are unable, by reason of lack of food, to take full advantage of the education provided for them, and have ascertained that funds, other than public funds, are not available or are insufficient in amount to defray the cost of food furnished in meals under this Part of this Act, the education authority may apply to the Ministry, and the Ministry may authorise the education authority to expend such sum as will meet the cost of the provision of such food.

Power of education authority defray th cost of fo in certain cases.

52. No teacher employed or seeking employment in a school in respect of which the provisions of this Part of this Act are in operation shall be required as part of his duties to supervise or assist, or to abstain from supervising or assisting, in the provision of meals, or in the collection of the cost thereof.

Provision as to duti of teache

53.—(1) When as the result of medical inspection or otherwise it is brought to the notice of an education authority that a child attending a public elementary school within the education area is in a filthy or verminous state, or is unable by reason of lack of food or clothing to take full advantage of the education provided, it shall be the duty of the education authority, after due warning, to summon the parents of such child to appear before them to give an explanation of the child's condition, and if the education authority find that such explanation

Duty of education authority regard to neglected children.

Digitized by Google

that the condition of the child is due to neglect, they may take proceedings against the parents under this section.

(2) Without prejudice to the general operation of the Children Act, 1908, neglect to exercise due care of a child as aforesaid shall be deemed wilful neglect likely to cause the child unnecessary suffering within the meaning of that Act, punishable summarily as an offence of cruelty thereunder, and subject to the provisions of that Act as to the committal and custody of the child and otherwise:

Provided that if it shall be shown to the satisfaction of the education authority, or in the event of a prosecution under the Children Act, 1908, to the court, that such parents are unable by reason of poverty to supply sufficient and proper food or clothing for the child, or to give the child the necessary personal attention, the education authority, if satisfied that the necessities of the case will not be provided for by voluntary agency, shall make such provision for the child as they deem necessary during the period while the child is under obligation to attend school:

Provided also, that the education authority, where they deem it necessary owing to the condition of the child, shall have power to make temporary provision for the child pending the completion of the procedure laid down by this section, and to recover the cost of such provision from the parents as a debt due to the education authority, unless it is shown to the satisfaction of the education authority that such parents were unable, by reason of circumstances other than their own default, to supply sufficient and proper food or clothing for the child or to give the child the necessary personal attention.

PART IX.

Afflicted Children.

Duty of parent as to education of afflicted children.

54.—(1) The duty of a parent under Part VI. of this Act to cause his child to attend school shall, in the case of an afflicted child as defined in this section, include the duty to cause the child to receive instruction suitable to such child, and that duty shall continue in the case of an afflicted child until the child has reached the age of sixteen years, and the provisions of the said Part VI. with respect to the enforcement of school attendance shall apply accordingly.

Digitized by Google

(2) For the purposes of this Part of this Act, the expressions "afflicted child" and "afflicted children" mean a child or children being within one of the following descriptions, namely :—

(i) Blind, deaf and dumb children ; that is to say, children who are too blind to be able to read the ordinary books used by the children, and children who, by reason of being deaf or dumb, are incapable of being taught in the ordinary classes of an elementary school ;

(ii) Crippled children ;

(iii) Epileptic children ; that is to say, children who, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary elementary schools ;

(iv) Mentally defective children, including—

(*a*) idiots ; that is to say, children defective in mind from birth or from an early age to such a degree as to be unable to guard against common physical dangers ;

(*b*) imbeciles ; that is to say, children in whose case there exists from birth or from an early age mental deficiency not amounting to idiocy, but pronounced to such a degree that they are incapable of managing themselves or their affairs or of being taught to do so ;

(*c*) Feeble-minded children ; that is to say, children in whose case there exists from birth or from an early age mental deficiency not amounting to imbecility, but pronounced to such a degree that they require care, supervision and control for their own protection or for the protection of others, or that they, by reason of such deficiency, appear to be permanently incapable of receiving proper benefit from the instruction afforded in ordinary schools, but not incapable by reason of such deficiency of receiving benefit from instruction in such special classes as may be provided under this Act for such children.

Digitized by Google

Duty of education authority to determine wha children are afflicted children.

proval of the Ministry, make arrangements for ascertaining what children in their education area are afflicted children within the meaning of this Act, and shall provide facilities for enabling any parent, who is of opinion that his child ought to be dealt with under this Part of this Act, to present the child to the education authority to be examined, although he may not have been required so to do by that authority; and any education authority failing to provide those facilities shall be deemed to have made default under this Act.

(2) For the purpose of ascertaining whether a child is an afflicted child within the meaning of this Act, a certificate to that effect by a duly qualified medical practitioner shall be required in each case, and the duly qualified medical practitioner shall, if so directed by the education authority, or if he is so requested by the parent of the child, before giving a certificate under this section, consult the head teacher of the school (if any) which the child has been attending or such other person as to the education authority or to the duly qualified medical practitioner may seem fit, and a copy of any report made by the head teacher or such other person shall be forwarded to the education authority.

The certificate shall be in such form as may be prescribed by the Ministry.

(3) In any legal proceedings by an education authority, the production of a certificate, purporting to be signed by a duly qualified medical practitioner approved by the Ministry under this section, to the effect that a child is an afflicted child within one of the descriptions of afflicted children set forth in this Part of this Act, shall be sufficient evidence of the facts therein stated, unless the parent of the child referred to in the certificate requires the medical practitioner to be called as a witness; but it shall be lawful for the parent to tender evidence in proof that the certificate is incorrect.

(4) For the purpose of the exercise of the power conferred by this section, it shall be the duty of the parent of any child, which may be required by the education authority to be examined, to cause the child to attend any examination for which the education authority has provided facilities, and any parent who fails to comply with any such requirement shall be liable to a fine not exceeding five pounds.

Digitized by Google

an afflicted child within the meaning of this Act, the matter shall be determined by the Ministry.

Duty of education authority to provid for educat of afflicte children of school age.

56.—(1) Where an education authority have ascertained that there are, belonging to their education area, afflicted children of school age, they shall, save as in this section provided, make provision for the giving of suitable instruction to those children by establishing schools certified by the Ministry for such children or for any description thereof, or by either of the following means :—

(*a*) by classes in public elementary schools certified by the Ministry as special classes for such children ; or

(*b*) by boarding out, subject to the regulations of the Ministry, any such child in a house conveniently near to a special class or school certified by the Ministry for such children.

(2) The duty of an education authority under this section shall not include—

(i) a duty to make provision for boarding and lodging an afflicted child unless the Ministry are satisfied, after considering the report of a duly qualified medical practitioner approved by the Ministry, and after consultation with the education authority, that suitable provision for the child's education cannot be made in any other way ; or

(ii) a duty to establish a certified school for boarding and lodging afflicted children unless the Ministry are satisfied after considering the report of such medical practitioner, and after such consultation as aforesaid, as to the necessity for the establishment of such school ; or

(iii) any duty with respect to afflicted children not belonging to their education area, or afflicted children who are maintainable by a board of guardians in a workhouse or other institution or by being boarded out.

(3) The power conferred by this section shall include both the power to establish or acquire and to manage and maintain schools certified by the Ministry for afflicted children, and also the power to contribute on such terms and to such extent as may be approved by the Ministry,

Digitized by Google

towards the maintenance, of schools so certified.

(4) An education authority may in respect of children belonging to their education area, and attending special classes or schools certified by the Ministry for afflicted children and situated in the education area of another education authority, contribute, at rates to be approved by the Ministry, to that other authority, or to the managers of the special classes or schools, the proportionate cost of the provision and maintenance of those special classes or schools.

(5) The education authority acting under this section shall make provision for the examination, from time to time, of any child dealt with under this section, in order to ascertain whether that child has attained such a mental and physical condition as to be fit to attend the ordinary classes of public elementary schools; and the education authority shall make provision for that examination in the case of any child whose parent claims the examination of his child; and any education authority failing to make such provision as this sub-section requires shall be deemed to have made default under this Part of this Act:

Provided that the parent shall not make a claim for examination of a child within less than six months after his child has been last examined.

Provisions as to afflicted children not of school age, or incapable of education.

57.—(1) The education authority shall have power to make, with the concurrence of parents, provision for the education of afflicted children under school age in such schools or classes and under such conditions as may be approved by the Ministry.

(2) Nothing in this Part of this Act shall impose any liability on the education authority for the maintenance or education of afflicted children beyond the age of sixteen but it shall be within the power of any local authority which may after such child has reached the age of sixteen years become wholly or partly responsible for its care or maintenance to make arrangements with the education authority for the maintenance and education of such child for such further period beyond the age of sixteen years as the Ministry of Home Affairs may approve.

Digitized by Google

Ministry that an afflicted child, being mentally defective or epileptic, is incapable of receiving benefit from instruction in the ordinary elementary schools or in special classes or schools, the parent of such child shall not be under any obligation either to cause the child to attend school or to receive instruction under this Part of this Act.

The education authority shall cease to have any responsibility in respect of the education of such child, and they shall make a report accordingly to the Ministry of Home Affairs, and to the board of guardians or any other local authority within the education area having any powers or duties in respect of the care or maintenance of children.

Protectio for religi persuasio

58.—(1) In the performance of their duty under this Part of this Act an education authority shall have regard to the religious persuasion of the parents of an afflicted child and shall, as far as possible, arrange that if the child attends a school or institution, not being a public elementary school, the school or institution shall be one conducted in accordance with that religious persuasion; and if the child is boarded out the education authority shall endeavour to arrange for the boarding out being with a person belonging to that religious persuasion.

(2) An afflicted child shall in no case be compelled to receive religious instruction contrary to the wishes of its parents.

Consulta tion with parents and co- operatio with oth authoriti and pers

59.—(1) The education authority, before deciding what provision shall be made for the education of an afflicted child, shall endeavour to ascertain the wishes of the parents of the child and shall, so far as possible, give effect to those wishes.

(2) The education authority, in the exercise and performance of their powers and duties with respect to afflicted children, shall, so far as possible, co-operate with other authorities or persons providing or having power to provide certified schools and classes.

Determin tion of r dence.

60.—(1) For the purposes of this Part of this Act an afflicted child shall be deemed to belong to the education area in which the child is ordinarily resident:

Digitized by Google

school or boarded out, the education authority who are making provision for its education shall continue liable to make such provision pending the determination of any question which may be referred to the Ministry under this section.

(2) If any question arises as to the education area to which a child is to be deemed to belong, that question shall be determined by the Ministry, and the Ministry on determining the question may direct the making of such financial adjustments between the education authorities concerned as it may consider just.

Certification of schools for afflicted children.

61.—(1) A school shall not be certified by the Ministry under this Part of this Act—

(*a*) unless it is either managed by an education authority, or the annual expenses of its maintenance are audited and published in accordance with regulations of the Ministry; nor

(*b*) unless it is open at all times to the inspection of inspectors and officers of the Ministry and of any visitors authorised by any education authority sending children to the school; nor

(*c*) unless the requirements of this Part of this Act are complied with in the case of the school.

(2) Every school so certified may for the purposes of the provisions of this Act relating to school attendance orders be treated, in the case of afflicted children, as if it were a public elementary school.

(3) The provisions of the Lunacy (Ireland) Acts 1821 to 1901 shall not apply as respects a school certified by the Ministry under this Part of this Act:

Provided that, if the Minister of Home Affairs for Northern Ireland so decides after consultation with the Ministry, any such school shall be subject, in addition to any other inspection, to inspection by the inspectors of lunatics in Northern Ireland.

Liability of parent for expenses of afflicted child.

62.—(1) Where the education authority incur any expense under this Part of this Act in respect of an afflicted child, the parent of the child shall be liable to contribute towards the expenses of the child such weekly sum, if any, as may be agreed on between the educat

Digitized by Google

as may, on the application of either party, be settled by a court of summary jurisdiction; and any sum so agreed on or settled may, without prejudice to any other remedy, be recovered by the education authority summarily as a civil debt.

(2) It shall be the duty of the education authority to enforce any order made under this section, and any sum received by an education authority under this section shall be applied by that authority in aid of their expenses under this Part of this Act.

(3) A court competent to make an order under this section may at any time revoke or vary any order so made.

63. In this Part of this Act, unless the context otherwise requires— Interpretation.

The expression "school" includes any institution in which afflicted children of any of the descriptions hereinbefore set forth in this Part of this Act are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a school certified as a school for afflicted children or in a special class certified as a special class for afflicted children:

The expression "expenses," when used in relation to an afflicted child, includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding out of the child while so attending, and the expenses of conveying the child to or from the school.

PART X.

Reformatory and Industrial Schools.

64. The Governor of Northern Ireland may, on the joint application of the Ministry of Home Affairs and the Ministry, by Order in Council, transfer to the Ministry such powers and duties of the Ministry of Home Affairs in relation to reformatory and industrial schools as appear to the said Governor to be similar or analogous to powers and duties of the Ministry under this Act. The said Governor may, by any such Order in Council, make any adjustment consequential on the transfer, and provide for any matter necessary or proper for giving full effect to Transfer of powers as reformato and indus rial schoo

Digitized by Google

such Order in Council the powers and duties transferred shall be exercised and performed by the Ministry.

PART XI.

TEACHERS.

Training and certification of teachers.

65. It shall be the duty of the Ministry to make regulations as to the training and certification of teachers for the various grades of schools to or in respect of which grants may be made by the Ministry out of moneys provided by Parliament.

Such regulations may prescribe, as a condition of any such grant, that facilities for the training of teachers shall be afforded, in such manner and on such terms as the Ministry considers reasonable, to students accepted by the Ministry for training as teachers.

Appointment of teachers.

66.—(1) Every teacher appointed to teach in a school to or in respect of which grants are made out of moneys provided by Parliament shall have such qualifications as may be approved by the Ministry.

(2) Where a teacher is employed in an education area in any school to or in respect of which aid is given out of moneys administered by the education authority, such employment shall be deemed to be the holding o a paid office or place of profit under or in the gift or dis posal of the education authority for that area for th purpose of Article 12 of the Schedule to the Local Govern ment (Application of Enactments) Order, 1898. I shall not be lawful to employ as a teacher in any suc school any member of the education authority by whon such aid is given to the school, or any member of an education committee of that education authority.

(3) The power of appointing teachers for any pr vided or transferred school shall be exercised by th education authority and shall not be delegated by them t a school committee appointed under this Act, nor shall th education authority have power to require that the teac ers appointed for or holding office in any provided transferred school shall be teachers who belong to or pr fess the tenets of, or who do not belong to or profess th tenets of, any particular church or religious denominatio

Digitized by Google

schools recognised by the Ministry for the purposes of grants out of moneys provided by Parliament shall, if a school committee has been appointed for the school under this Act, be exercised by that committee, and in any other case shall be exercised by the managers or other persons having the control of the school.

Terms o employr in publi element schools.

67. The terms upon which a teacher is employed in a public elementary school shall be set forth in the agreement entered into between the teacher and the employer, and such agreement shall be in such form as may be approved by the Ministry.

Procedu on dis- missal o teacher.

68. If, at any time within six weeks after a teacher in a school to or in respect of which grants are made out of moneys provided by Parliament has been notified of dismissal from the school, a petition is presented to the Ministry by the teacher praying for an enquiry into the reasons for his dismissal, the Ministry shall cause to be made such inquiry as it thinks fit ; and if, as the result of such inquiry (at which the teacher may be represented) the Ministry is of opinion that the dismissal is not reasonably justifiable, the Ministry shall communicate such opinion to the education authority and to the teacher, or, in the case of a voluntary school, to the managers or school committee of such school and to the teacher, with a view to reconsideration of the decision, and, in the event of the education authority, managers or school committee not departing from their decision, the Ministry may withhold or reduce any grant payable to or in respect of the school out of moneys provided by Parliament, but the teacher affected may be paid a salary for a period not exceeding twelve months :

Provided that nothing in this section shall affect the power of the education authority, managers or school committee, as the case may be, summarily to suspend any teacher from the performance of duty.

Salary scales fo teachers schools.

69. It shall be the duty of the Ministry, after consultation with the Ministry of Finance, to frame, and from time to time as occasion requires to alter, minimum scales of salaries for the various classes of teachers in schools and other institutions recognised as eligible to participate in grants out of moneys provided by Parliament ; and the Ministry may by regulations require, as a

Digitized by Google

shall be remunerated at rates not lower than those specified in such minimum scales. The decision of the Ministry, if any question arises as to the eligibility of a teacher to be placed upon a scale, or as to the amount payable in accordance with a scale, shall be final.

Superannuation schemes for teachers.

70.—(1) The Ministry of Finance, in consultation with the Ministry, shall frame a superannuation scheme (in this Part of this Act referred to as "the scheme") applicable to such teachers as shall be prescribed therein, and may grant superannuation allowances and other benefits to teachers, or supplement superannuation allowances in accordance with the provisions of the scheme.

(2) The scheme shall contain provisions not less favourable to teachers than those contained in the National School Teachers (Ireland) Act, 1879 and the Rules made thereunder, and may apply for the purposes of the scheme, such provisions of the said Act and Rules, or of the Superannuation Acts (as applied to Northern Ireland by the Superannuation Act, 1921), as the Ministry of Finance may think fit. The scheme may contain provisions for the deduction of prescribed sums from or in respect of salaries or other payments made to teachers, and for applying the sums so deducted as a contribution in aid of superannuation allowances and other benefits.

42 & 43 Vict., c. 74.

12 Geo. 5, c. 3.

10 & 11 Geo. 5. c. 36

(3) The Pensions (Increase) Act, 1920, shall, in its application to pensions granted under the National School Teachers (Ireland) Act, 1879, have effect with the following modifications:—

(*a*) For the purposes of sub-section (2) of section one of the said Act and Part II. of the Schedule thereto, the ninth day of October, nineteen hundred and fourteen, shall be substituted for the fourth day of August, nineteen hundred and fourteen; and

(*b*) Notwithstanding the provisions of the said Act the Ministry of Finance may, subject to the prescribed regulations, grant to any pensioner teacher in receipt of a pension at the appointed day such increase, beyond that authorised by the said Pensions (Increase) Act, as will bring his pension to an annual sum not exceeding fifty pounds.

Digitized by Google

section shall come into force on such date as may be prescribed by the Ministry of Finance, being a date not earlier than the date of the passing of this Act.

Approva and effe of schen

71.—(1) The scheme when framed shall be laid before both Houses of Parliament and unless, during the next ten days on which either House shall sit after the scheme has been laid before it, either House presents an address praying the Governor of Northern Ireland to withhold his assent from the scheme, the Governor of Northern Ireland may, by Order in Council, approve of the scheme. The presentation of an address as aforesaid shall be without prejudice to the making of a further superannuation scheme.

(2) The scheme may be amended by a subsequent superannuation scheme made and approved in like manner, and if separate schemes are made for different classes of teachers the provisions of this Part of this Act with respect to the scheme shall apply accordingly.

(3) Any scheme approved by Order in Council under this section shall, as from the date prescribed in such Order, be of the same force as if it were enacted in this Act: Provided that the date so prescribed may, as regards the operation of the whole or any part of the scheme, be a date prior to the date of such Order in Council or to the date of the passing of this Act.

(4) Nothing in the scheme shall have effect so as to prejudice the pensions or pension rights of pensioners or teachers existing at the appointed day under the National School Teachers (Ireland) Act, 1879, or the Pensions (Increase) Act, 1920:

Provided that it shall be open to any such teacher to adopt the scheme in lieu of the provisions governing his pension or pension rights under the said Acts.

Provisior in regard to record service i certain cases.

72. Any person who is entitled to have his service as a teacher recorded for the purpose of the scheme, or who would have been so entitled had he continued in service as a teacher, and who at or after the appointed day is or becomes, for the purposes of the Superannuation Acts (Northern Ireland), 1921 and 1922, a civil servant in the employment of the Ministry as an inspector or organiser of schools, shall for those purposes be entitled to have his service as a teacher reckoned as if it had been service as a civil servant.

Digitized by Google

Expenses of education authority.

73.—(1) The expenses under this Act of an education authority, being the council of a county borough, shall be defrayed out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1918, as if incurred for sanitary purposes, or out of any other rate or fund which the Ministry of Home Affairs may, on the application of the council, approve.

(2) The expenses under this Act of an education authority, not being the council of a county borough, shall be defrayed out of the county fund, and the amount required in respect of the combination of county districts or single county district assigned to a regional education committee for the purposes of this Act shall be raised by means of the poor rate equally over so much of the education area as comprises the combination of districts or single district so assigned, and as a separate item of that poor rate to be described as the education rate:

Provided that an urban county district, the council of which is making separate provision, by virtue of the provisions of Part IV. of this Act, for technical instruction in that district, shall be exempt from the raising of so much of the education rate levied by the education authority as is required to defray the expenses of the last-mentioned authority in providing technical instruction in their education area.

(3) Where a combination of county districts situated in more than one county is assigned under this Act to a single regional education committee, the amount required to be raised by the several education authorities by means of the education rate shall be apportioned as between those authorities in proportion to the rateable valuation of the county district or districts so assigned and situated in the education area of each authority.

(4) The education authority shall, in each local financial year on or before such date as may be prescribed by regulations of the Ministry, submit to the Ministry a financial scheme in a form prescribed as aforesaid, showing the amount of the estimated expenditure and receipts of the education authority during the next ensuing local financial year, and the Ministry may approve of the financial scheme with or without modifications, and when signifying its approval shall state the sum proposed to be paid out of moneys provided by Parliament in aid of

Digitized by Google

scheme.

Borrow
by educ
uathori

74.—(1) Where an education authority propose to incur expense under this Act on works the cost of which in the opinion of the Ministry ought by reason of the permanent character of the works to be spread over a term of years, they may, with the consent of the Ministry, spread the payment over such term of years, not exceeding fifty, as the Ministry may determine, and may for that purpose borrow money on the security of the education rate, and may charge the education rate with the payment of the principal and interest due in respect of the loan.

(2) The powers of an education authority under this section shall be exercised in accordance with regulations made by the Ministry after consultation with the Ministry of Home Affairs.

(3) The Ministry of Finance shall have power to lend money by way of advance out of the Consolidated Fund of Northern Ireland to an education authority for the purposes of this section upon such conditions as that Ministry thinks fit.

Provisio
moneys
Parliam
tary gra

75. There shall be paid out of moneys provided by Parliament such sums as may from time to time become payable in accordance with the provisions of this Act, in cases where the conditions prescribed thereunder are fulfilled, for the following purposes, that is to say :—

(i) the payment to education authorities and urban district councils of such proportion of their expenditure, in accordance with an approved financial scheme, as may be determined to be so payable under regulations made as hereinafter in this Part of this Act provided ;

(ii) the payment of the salaries of teachers in public elementary schools ;

(iii) the payment of grants in aid of higher education ;

(iv) the payment of grants for the training of teachers ;

(v) the payment of grants towards the retiring allowances of teachers ;

(vi) the payment of grants in aid of the repayment of the principal and interest of loans outstanding at the appointed day in respect of teachers' residences ;

Digitized by Google

(vii) the payment of grants in aid of any other educational expenditure approved by the Ministry for the purpose of such grants.

rliamen- ry grant aid of penses of ucation thority.

76. The Ministry, if, and so far as, it approves of a financial scheme submitted to it by the education authority under this Part of this Act in respect of any local financial year, may, with the consent of the Ministry of Finance, pay, or undertake to pay, to the education authority out of moneys provided by Parliament such proportion of the expenditure in accordance with the approved financial scheme as may be determined to be so payable under regulations made by the Ministry with the approval of the Ministry of Finance, subject to such conditions as may be prescribed by those regulations.

In this section, the expression " education authority " includes the council of an urban county district which is making separate provision, by virtue of the provisions of Part IV. of this Act, for technical instruction in that district, in accordance with a financial scheme approved by the Ministry.

wer of nistry to escribe nditions Parliaentary ants and te aid.

77. The Ministry shall, by regulations to be laid before Parliament in accordance with the provisions of this Act, prescribe from time to time the conditions required to be fulfilled, in respect of any school or educational facilities to which this Act applies, for the purpose of participation in any grant out of moneys provided by Parliament or in any aid from funds raised or administered by education authorities:

Provided that the Ministry shall, in framing such regulations, have regard to the provisions of section five of the Government of Ireland Act, 1920, and Article 16 of the Articles of Agreement set forth in the Schedule to the Irish Free State (Agreement) Act, 1922.

& 11 eo. 5. c. 67.

Geo. 5 c. 4

PART XIII.

Application of Act to Agricultural Education.

odification 62 & 3 Vict., c. 9.

78.—(1) Notwithstanding any provisions of this Act, or of the Agriculture and Technical Instruction (Ireland) Act, 1899 (in this Part of this Act referred to as " the Act of 1899 ") the maximum sum which may be raised by means of a rate by the council of a county (other than a county borough) in a rural district in any one local financial year for the purposes of agriculture and other rural

Digitized by Google

amount, not being less than one penny in the pound, as may be approved by the Ministry of Agriculture.

(2) Nothing in this Act shall affect the appointment by the council of any county (other than a county borough) of a committee for the purposes aforesaid under section fourteen of the Act of 1899, but the Ministry of Agriculture may by regulations under this section limit the number of members to be appointed to that committee.

(3) An education authority may make arrangements for the giving, in any urban district within their education area, of instruction in agricultural subjects under the direction of the county committee of agriculture appointed for that area, upon such terms and conditions as may be approved by the Ministry of Agriculture after consultation with the Ministry.

Applic of Act agricul educat

79. The Governor of Northern Ireland may by Order in Council apply as respects teachers in agricultural subjects any of the provisions of this Act respecting—

(*a*) the training and certification of teachers;
(*b*) the terms of employment of teachers;
(*c*) the remuneration of teachers;
(*d*) the superannuation of teachers; and
(*e*) the making of regulations for the purpose of giving effect to the provisions of this Act applied as hereinbefore mentioned;

and upon the coming into effect of any such Order in Council the said provisions shall apply accordingly, subject to such modifications as may be made by the Order in Council for the purpose of making the said provisions so applicable.

PART XIV.

Administrative and General Provisions.

Powers cedure, of cou and co mittees

80.—(1) Any powers and duties requiring to be exercised and performed by the council of a county or county borough, otherwise than in the capacity of such council as an education authority for the purposes of this Act, shall, if they appear to the Ministry after consultation with the Ministry of Home Affairs to be similar or analogous to powers and duties of the council in its capacity as such education authority, be exercised and performed

Digitized by Google

Act for the purpose of giving full effect to this provision.

(2) The provisions set out in Parts I., II. and III. of the Fourth Schedule to this Act shall apply respectively in relation to the constitution, powers, duties, and procedure of regional education committees, education committees of county boroughs and school committees, and the term of office and qualification of members of those committees.

(3) A person shall not be disqualified for membership of an education authority or education committee by reason only of his being patron or manager of a school or college aided by the education authority.

Power to acquire land.

81.—(1) An education authority may for the purposes of their powers and duties under this Act acquire, purchase or take on lease any land or any right over land.

(2) For the purpose of the purchase of land under this Act by agreement, the Lands Clauses Acts shall be incorporated with this Act, and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the education authority, and land shall be construed to include any right over land.

(3) The education authority may be authorised to purchase land compulsorily for the purpose of any of their powers and duties under this Act by means of an order submitted to and confirmed by the Ministry in accordance with the provisions contained in the Fifth Schedule to this Act: Provided that no such order shall be made for the compulsory purchase of the land or premises of any school or teacher's residence existing at the appointed day.

Appropriation of land for educational purposes.

82.—(1) The council of a county or county borough may—

(i) appropriate, with the consent of the Ministry, for any particular purpose of this Act any land acquired by them or transferred to them for any other purpose of this Act;

(ii) appropriate, with the consent of the Ministry of Home Affairs, for any purpose of this Act any land acquired by them otherwise than in their capacity as an education authority.

Digitized by Google

and the Ministry of Home Affairs, for the purpose of any of their powers and duties apart from this Act, any land acquired by them under this Act, and not required for the purposes of this Act.

(2) The appropriation of land by the council of a county or county borough under this section shall be subject in any case to any special covenants or agreements affecting the use of the land in their hands.

Disposa of land and applica tion of proceed

83. It shall be lawful for an education authority, with the sanction of the Ministry, to sell and dispose of any land acquired or held by them under this Act and not required for the purposes of this Act, and the proceeds of the sale of any such land shall be applied in such manner as the Ministry may sanction, towards the discharge of any loan under this Act or otherwise for any purpose for which capital expenditure may be incurred by the education authority under this Act.

Appoin ment o officers

84. An education authority may appoint, with the approval of the Ministry as to numbers and remuneration, officers for any of the purposes of this Act, and may from time to time remove any of those officers.

Two or more education authorities may arrange for the appointment of the same person to be an officer to both or all those authorities.

Proced as to making confirm of bye of edu author

85.—(1) It shall be the duty of the education authority to make, and, if confirmed in accordance with the provisions of this section, to enforce bye-laws prescribing or providing for any matter required by this Act to be so prescribed or provided by that authority.

(2) A bye-law made under this Act shall not come into operation until it has been confirmed by the appropriate Ministry.

(3) An education authority, not less than one month before submitting any such bye-law for the approval of the appropriate Ministry, shall deposit a draft copy of the proposed bye-law at the office of the education authority for inspection by any ratepayer, and supply a draft copy thereof to any ratepayer free of charge, and shall publish a notice of the deposit.

(4) The appropriate Ministry, before confirming any bye-law, shall be satisfied that the deposit has been made,

Digitized by Google

to be made in the education area as the appropriate Ministry thinks requisite.

(5) Bye-laws made under this Act may apply either to the whole of the education area of an education authority, or to any specified part thereof.

(6) A copy of any bye-laws made under this Act by an education authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence, until the contrary is proved, in all legal proceedings, of the due making, confirmation and existence of such bye-laws without further or other proof.

(7) The appropriate Ministry shall be, in relation to bye-laws made under Part VII. of this Act, the Ministry of Home Affairs, and, in relation to any other bye-laws made under this Act, the Ministry.

Elementary and other schools to be open to inspection.

86. Every public elementary school and every other school at which children of school age are in attendance as required by this Act shall be open at all reasonable times to inspection by inspectors or other officers of the Ministry.

Religious instruction not to be inspected.

87. It shall be no part of the duties of inspectors or other officers of the Ministry, or of any person appointed to report for the purposes of this Act as to the efficiency of any school, to inquire into any instruction in religious subjects, or to examine any scholar in religious knowledge or in any religious subject or book.

Provisions in regard to inefficient schools.

88. If as the result of inspection of any school under this Act it is found that the secular instruction given to children in any class in that school, being children who are required by or under this Act to attend school is not efficient or does not comprise the subjects embraced in the programme of instruction for elementary schools prescribed by the Ministry, a notification to that effect shall be sent by the Ministry to the persons by whom the school is conducted, and if, within such time as the Ministry may fix, steps are not taken to comply with any requirements of the Ministry for the provision of efficient education to all such children as aforesaid in the school or if facilities for inspection and examination of such children as aforesaid are refused by the persons by who

Digitized by Google

education authority concerned ; and it shall be no defence by a parent in any prosecution that may be instituted against him by an education authority under Part VI. of this Act that his child was in attendance at such school.

Regulations as certificat of birth age, fees

89. (1) The Ministry of Finance may, after consultation with the Ministry, make regulations with respect to—

(*a*) the giving of certified copies of entries in the birth registers of the births of any children or young persons whose ages are required to be ascertained or proved for the purpose of any of the provisions of this Act, other than provisions relating to elementary education and to the employment of children and young persons ;

(*b*) the inspection of and taking of notes or extracts from the registers in the custody of superintendent registrars or registrars of births and deaths for the purpose of any of the provisions of this Act to which this sub-section applies ;

(*c*) the transmission to education authorities of returns of particulars concerning the births and deaths of children ; and

(*d*) the amounts of the fees, if any, to be charged in connection with the giving in pursuance of this sub-section of any such certified copies, the inspection of such registers or transmission of such returns.

(2) Regulations made by the Ministry of Finance as aforesaid shall be laid before Parliament as soon as may be after they are made, and shall be observed by education authorities, managers of schools, and superintendent registrars and registrars of births and deaths ; and the amounts of the fees prescribed by any such regulations shall be substituted for the amounts specified in any enactment relating to any such fees.

(3) Section one hundred and thirty-four of the Factory and Workshop Act, 1901, shall, in its application to Northern Ireland, have effect as if the Ministry of Finance were substituted therein for the Local Government Board for Ireland.

1 Edw. 22.

Digitized by Google

Offences, fines and costs.

bye-laws made thereunder shall be punishable and recoverable on summary conviction.

(2) All fines imposed, and costs awarded to an education authority, in connection with non-compliance with school attendance orders under this Act, shall be applied in aid of the expenses of that authority thereunder.

(3) An appeal shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts from the decision of a court of summary jurisdiction upon any application, complaint, matter or proceeding arising under this Act.

Power to enforce attendance of child before court.

91. Without prejudice to any other powers conferred by this Act, any justice of the peace may require by summons any parent or employer of a child or young person, to whom the provisions of this Act apply, to produce the child or young person before a court of summary jurisdiction; and if any person fails without reasonable excuse to the satisfaction of the court to comply with the summons, he shall be liable in respect of each offence to a fine not exceeding twenty shillings.

Proof of age.

92. Where it appears to a court of summary jurisdiction that a child or young person is of the age alleged for the purposes of any proceeding under this Act or a bye-law, order or other instrument made thereunder, it shall lie on the defendant to prove that the child or young person is not of that age.

Proof of attendance at school.

93. Where an education authority are, by reason of the default of the managers or proprietor of a school, unable to ascertain whether a child or young person, who is resident within the education area of that authority and attends that school, attends school in conformity with this Act or any bye-laws, orders or other instruments made thereunder, it shall lie on the defendant in any proceeding under this Act to show that the child or young person has attended school in conformity with this Act or with those bye-laws, orders or instruments.

Certificate of teacher as to attendance.

94. A certificate, purporting to be under the hand of the principal teacher of a public elementary school or other school recognised by the Ministry for the purpose

Digitized by Google

that a child or young person is or is not attending that school, or stating the particulars of the attendance of a child or young person at that school, shall, in any proceedings under this Act or a bye-law, order or other instrument made thereunder, be evidence of the facts stated in the certificate.

Appear of educ authori legal proceed

95. An education authority may appear in any summary proceedings by their clerk, or by some member of the authority authorised by resolution of the authority; and every such resolution shall appear upon the minutes of the proceedings of the authority, but every such resolution shall, until the contrary is proved, be deemed in any legal proceedings to appear upon those minutes.

Appear by me of fami

96. Any person may appear, in any proceeding for non-compliance with a school attendance order under this Act, by any member of his family or any other person authorised by him in that behalf.

Limita on righ certain defence

97. It shall not be a defence to proceedings for non-compliance with a school attendance order under this Act that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection by the Ministry, and unless satisfactory registers are kept of the attendance of the scholars thereat.

Power enforce duties educati authori

98.—(1) If an education authority make default in the performance of any of their duties under this Act, or fail to comply with any order of the Ministry in relation to any of those duties, or act in any manner which in the opinion of the Ministry is prejudicial to the promotion of elementary or higher education, the Ministry may, after holding a public inquiry, make such order as it thinks necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

(2) An order under this section may, without prejudice to the generality of the powers of the Ministry thereunder, provide—

(*a*) for the appointment of some person or persons to discharge the duties of the education authority, or such of those duties as may be specified in the order; and

Digitized by Google

grant to or in respect of a school which would otherwise be invalid by reason of the default of an education authority.

(3) So long as an order under this section appointing any person to discharge any duties of an education authority remains in force, the powers and duties of the education authority in relation to the said duties shall be exercised and performed by the person or persons appointed by the order instead of by the education authority, and the remuneration and expenses of such person or persons as fixed by the Ministry shall be a debt due by the education authority to the Ministry, and shall be defrayed as part of the expenses of the education authority under this Act.

(4) Any payment made by the Ministry to or in respect of any school by virtue of an order under this section may, without prejudice to any other remedy, be deducted from any sums payable to the education authority by way of grant out of moneys provided by Parliament.

Regulations of Ministry under the Act.

99.—(1) The Ministry may make all such regulations as are required to be made by it under this Act, or as appear to the Ministry to be necessary or proper for giving full effect to this Act, or for adapting the provisions of any enactments (including any local Act) or Order of the Lord Lieutenant in Council in such manner as may appear to the Ministry to be necessary in order to bring such provisions into conformity with the provisions of this Act; and any such regulation shall, except as hereinafter in this section provided, have effect as if enacted in this Act, but may be varied or revoked by a subsequent regulation.

(2) Before any regulations—

(*a*) prescribing conditions upon which grants out of moneys provided by Parliament are payable to or in respect of any school, or

(*b*) with respect to the giving of religious instruction in any school to or in respect of which grants are so payable,

come into force, they shall be laid before both Houses of Parliament, and if, during the next ten days on which either House shall sit, either House presents an address

Digitized by Google

tions or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of new regulations.

(3) Regulations made by the Ministry, other than the regulations to which the last preceding sub-section applies, shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to the Governor of Northern Ireland by either of those Houses within ten days on which that House has sat next after any such regulations are laid before it, praying that the regulations may be annulled, the said Governor may thereupon by Order in Council annul the same, and the regulations so annulled shall forthwith become void, but without prejudice to the validity of anything which in the meantime may have been done thereunder.

Gener
return

100. Every education authority, and every urban district council or other local authority having powers and duties with respect to education or technical instruction, shall make such reports and returns, and give such reasonable information with respect to the exercise of those powers and duties to the Ministry as the Ministry may require.

Public
inquir
Minist
and M
of Ho
Affair

101.—(1) The Ministry may hold a public inquiry for the purpose of the exercise of any of its powers or the performance of any of its duties under this Act.

(2) The following provisions shall (except as otherwise provided by this Act) apply to any public inquiry held by the Ministry :—

(*a*) The Ministry shall appoint a person or persons to hold the inquiry, and the person or persons so appointed shall have the like powers as are conferred by section two hundred and thirteen of the Public Health (Ireland) Act, 1878, upon an inspector directed to hold an inquiry under that section ;

41 &
Vict.

(*b*) The person or persons so appointed shall hold sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting ;

Digitized by Google

Ministry may direct) every such sitting, except an adjourned sitting, seven days at least before the holding thereof ;

(*d*) The person or persons so appointed shall make a report in writing to the Ministry setting forth the result of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by him or them to the Ministry ;

(*e*) The Ministry shall furnish a copy of the report to any education authority concerned with the subject matter of the inquiry, and, on payment of such fee as may be fixed by the Ministry, to any person interested ;

(*f*) The Ministry may, where it appears to it reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry either by any education authority to whose administration the inquiry appears to the Ministry to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof ;

(*g*) Any order so made shall certify the amount to be paid by the education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof in any other manner, be recoverable by the Ministry summarily as a civil debt from the authority or the applicant, as the case may be.

(3) Sub-sections (1) and (3) of Article 32 of the Schedule to the Local Government (Application of Enactments) Order, 1898 (which relate to local inquiries) shall apply with respect to any order, consent, confirmation or approval which the Ministry of Home Affairs is authorised to give under this Act.

Service of notices, &c.

102.—(1) Any notice or other document required by this Act or any regulations or bye-laws made thereunder to be served or sent may be served or sent by post unless the contrary is expressly provided.

(2) Any notice or other document required to be served on or sent to an education authority under this Act may be served or sent by giving it to the clerk of the authority or sending it to, or delivering it at, the offices of the authority.

Digitized by Google

tication by the education authority may be signed by their clerk.

Evide
certifi
&c., is
by edu
autho

103. All orders, certificates, notices, requirements, and documents of an education authority under this Act, if purporting to be signed by the clerk of the education authority, shall, until the contrary is proved, be deemed to be made by the authority and to have been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.

Forgir
certifi

104. If any person forges or counterfeits any certificate for the purpose of this Act, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, makes use thereof, that person shall be liable in respect of each offence to imprisonment for a period not exceeding three months, with or without hard labour, or to a fine not exceeding twenty pounds.

Public
of not

105.—(1) Notices and other matters required to be published under this Act shall, when no particular method is provided or indicated, be published either by advertisement, or in such other manner as the Ministry may either generally or with respect to any particular area, place, or notice, or class of area, place, or notices, by regulations determine, as being in its opinion sufficient for giving information to all persons interested.

(2) If any person wilfully removes, injures, or defaces any notice exhibited in pursuance of this Act, or any order or regulation of the Ministry made thereunder, he shall be liable in respect of each offence to a fine not exceeding forty shillings.

Annua
report

106. The Ministry shall lay before both Houses of Parliament annually a report of its proceedings under this Act.

Power
educa
autho
to acc
gifts f
educa
purpo

107. It shall be lawful for an education authority, subject to the approval of the Ministry of Finance, to be constituted trustees for any educational endowment or charity for purposes connected with education, whether the endowment or charity was established before or after the appointed day, and they shall have power to accept any real or personal property given to them as an educational endowment or upon trust for any purposes connected with education:

Digitized by Google

educational endowment, charity, or trust, the purposes of which are inconsistent with the provisions of this Act or the principles on which the authority are required to conduct schools provided by them.

PART XV.

SUPPLEMENTAL.

Definitions.

108. In this Act, unless the context otherwise requires—

(1) The expression "practical instruction" means instruction in cookery, laundry work, housewifery, handicrafts, and gardening, and such other subjects as the Ministry may by regulations declare to be subjects of practical instruction:

(2) The expression "scholarship" includes exhibition, bursary or maintenance allowance, and any combination either of those forms of assistance or of any of those forms of assistance with a scholarship:

(3) The expression "college" includes any educational institution, whether residential or not:

(4) The expression "school year" means a year or other period for which a grant is for the time being paid or payable out of moneys provided by Parliament, and in accordance with conditions prescribed by regulations of the Ministry:

(5) The expression "managers" includes patrons and other persons who have the management of the school, wnether the school is or is not vested in them as owners:

(6) The expression "parent" in relation to a child or young person includes guardian and every person who is liable to maintain or has the actual custody of the child or young person:

(7) The expression "child" means a child of any age up to the age when his parents cease to be required by this Act to cause him to attend school or, being an afflicted child, to receive suitable instruction under this Act and the bye-laws made thereunder, and the expression "school age" shall be construed accordingly; and in any provisions referring to children attending public elementary schools it includes a child of any age who is attending any such school:

Digitized by Google

son under sixteen years of age who is no longer a child.

(9) The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities:

(10) The expression "duties" includes responsibilities and obligations:

(11) The expression "powers and duties" includes all powers and duties conferred or imposed by or arising under this Act or any other Act:

(12) The expression "trust deed" includes any instrument regulating the trusts or management of a school or college:

(13) The expressions "employ" and "employment" used in reference to a child or young person include employment and occupation in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person:

(14) The expressions "Ministry of Finance," "Ministry of Home Affairs," and "Ministry of Agriculture," mean respectively the Ministry of Finance for Northern Ireland, the Ministry of Home Affairs for Northern Ireland, and the Ministry of Agriculture for Northern Ireland:

(15) The expression "education area" means, in relation to powers or duties of an education authority which are required to be exercised or performed by a regional education committee, the county district or districts assigned to that committee, and in relation to other powers or duties of an education authority, the county or county borough of that authority:

(16) The expression "clerk" includes, in relation to an education authority, any duly authorised officer of that authority.

Com
men
Act
appo
ed d

109. This Act shall come into operation on the appointed day, and the appointed day shall be such day, not being earlier than the first day of October, nineteen hundred and twenty-three, as the Governor of Northern Ireland may by Order in Council appoint, and different days may be appointed for different purposes and for different provisions of this Act, for different education areas or parts of education areas, and for different persons or classes of persons.

Digitized by Google

Construction and repeal.

Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those Acts as they apply to Northern Ireland, under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(2) The enactments mentioned in the Sixth Schedule to this Act shall be repealed as from the appointed day, as respects Northern Ireland, to the extent specified in that Schedule.

Short title.

111. This Act may be cited as the Education Act (Northern Ireland), 1923.

Section 14(1).

FIRST SCHEDULE.

TRANSFER OF MODEL SCHOOLS.

Name of Schools.	Education Authority to which Schools are to be transferred.
Ballymena Model Schools Ballymoney Model Schools Carrickfergus Model Schools	Education authority for County Antrim.
Lurgan Model Schools	Education authority for County of Armagh.
Belfast Model Schools	Education authority for County Borough of Belfast.
Newry Model Schools Newtownards Model Schools	Education authority for County of Down.
Enniskillen Model Schools	Education authority for County of Fermanagh.
Coleraine Model Schools	Education authority for County of Londonderry.
Londonderry Model Schools	Education authority for County Borough of Londonderry.
Newtownstewart Model Schools Omagh Model Schools	Education authority for County of Tyrone.

SECOND SCHEDULE.

Section 14 (2), (7), (8), (9).

TRANSFER OF SCHOOLS AND INSTITUTIONS TO EDUCATION AUTHORI

Section 21.

1. An arrangement for transferring to an education authority school or institution may, subject as hereinafter provided, be made the managers, who in making such an arrangement may act by resolution or otherwise as follows :—

Digitized by Google

with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of that trust deed ;

(*b*) Where there is no such trust deed, or the trust deed contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Ministry to have been usual for a resolution or act binding the managers to be passed or done ;

(*c*) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the Ministry to be requisite.

2. No such arrangement shall be of any effect unless—

(*a*) the Ministry, and,

(*b*) if there are annual subscribers to the school or institution, a majority, not being less than two-thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question, consent to the arrangement.

3. An arrangement under this Schedule may provide for an absolute conveyance to an education authority of all the interest in the premises of the school or institution possessed by the managers or by any person who is trustee for them or for the school or institution, or for the lease of the same with or without restrictions, and either at a nominal rent or otherwise, to the education authority, or for the use by the education authority of the premises during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed upon.

4. Any arrangement under this Schedule may also provide for the transfer to the education authority of a teacher's residence held or used in connection with a school, or for the transfer or application, subject to the approval of the Ministry of Finance, of any endowment belonging to the school or institution, or for an education authority undertaking to discharge any debt charged on the school not exceeding the value of the interest in the premises or endowment transferred to them.

5. Where any arrangement is made under this Schedule, it shall be one of the terms of such arrangement that the trustees or owners of the school, institution, or endowment shall, in pursuance of such arrangement, execute a proper conveyance and take all necessary steps in law for the effective conveyance to the education authority of all such interest in the premises or endowment as is vested in those trustees or owners, or such smaller interest as may be agreed upon in the arrangement.

6. Nothing in this Schedule shall authorise the managers to transfer any property which is not vested in them, or in a trustee for them, or held in trust for the school ; and where any person has any right given him by the trusts of the school or institution to use the school or institution for any particular purpose independently of the

Digitized by Google

7. The Ministry shall consider and have due regard to an objections and representations respecting a proposed transfer of school or institution under this Schedule which may be made by an person, or by the representatives or successors of any person, who ha contributed to the establishment of the school or institution.

8. Where in the case of any proposed transfer of a school o institution under this Schedule, it appears to the Ministry that ther is any trustee of the school or institution who is not a manager, th Ministry shall cause the managers to serve on that trustee, if his nam and address are known, such notice as the Ministry thinks sufficient, an the Ministry shall consider and have due regard to any objections an representations he may make respecting the proposed transfer.

9. Where a transfer of a school or institution is made in pursuanc of an arrangement under this Schedule, the consent of the Ministr shall, after the expiration of six months from date of the transfer, b conclusive evidence that the arrangement has been made in conformit with this Act.

10. Where there is any instrument declaring the trusts of th school or institution and that instrument contains any provision f the alienation of the school or institution by any persons or in an manner or subject to any consent, any arrangement under this Schedu shall be made by the persons in the manner and with the consent provided.

11. Where an arrangement under this Schedule provides for th transfer of a teacher's residence to the education authority, this Sch dule shall apply for the purposes of such transfer in like manner as applies for the purposes of the transfer of a school.

THIRD SCHEDULE.

Section 23(4) PROVISIONS AS TO TRANSFER OF PROPERTY, &C., TO EDUCATION AUTHO

Setcion (24)1 TIES, AND AS TO EXISTING LOCAL AUTHORITIES AND OFFICERS.

Section 31. 1. Where any powers and duties are transferred by or under th Act from a council or committee (not being an education authority f the purposes of this Act) to an education authority, the following pr visions shall have effect, namely :—

(*a*) any property or rights acquired and any liabilities incurr by the council or committee for the purpose of the perfor ance of the powers and duties transferred from them to t education authority (including any property or rights vest or arising or any liabilities incurred under any local Act trust deed) shall, except where the Ministry otherwise direc be transferred to the education authority ;

(*b*) any loans transferred to an education authority under t Schedule shall, for the purpose of any limitation on t powers of the authority to borrow, be treated as mon borrowed under this Act ;

(*c*) in the construction and for the purposes of any Act Parliament, judgment, decree, order, award, deed, contra regulation, bye-law, or other document passed or made bef the appointed day for the transfer to the education authori

Digitized by Google

may be necessary for the purpose of such transfer, the name of the education authority shall be substituted for the name of the council or committee from whom the powers or duties are transferred;

(*d*) where anything has been commenced by or under the authority of the council or committee before the appointed day for the transfer to the education authority of any powers or duties under this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the education authority;

(*e*) Where at the appointed day for the transfer of any powers or duties under this Act, any legal proceeding is pending to which any such council or committee as aforesaid is a party, and such proceeding has reference to the powers and duties transferred under this Act to the education authority, the education authority shall be substituted in such proceeding for the council or committee, and such proceeding shall not abate by reason of the substitution.

2. Where any powers and duties are transferred by or under this Act from any such council or committee as aforesaid, any existing officer of that council or committee employed immediately before the appointed day in or about the execution of those powers and duties may, with the consent of such officer, be transferred to the education authority, and if any such officer is so transferred the prior service of the officer under the council or committee from which he is transferred, shall, for the purposes of the grant of a superannuation allowance to such officer by the education authority on his ultimate retirement, be reckoned as service under the education authority.

3.—(1) Any person who is at the appointed day employed as an officer of a school attendance committee under the Irish Education Act, 1892, shall, unless the Ministry otherwise directs, be transferred to the employment of the education authority of the education area in which he has been employed as such officer, and shall perform under that authority duties analogous to those which he performed in his capacity as such officer; and the employment of any such officer under the education authority shall be subject to such conditions, as to remuneration and otherwise, as may be determined by the Ministry.

(2) The provisions of section eighty-seven of the Local Government (Ireland) Act, 1898, shall have effect as if the reference to an officer of a school attendance committee under the Irish Education Act, 1892, included a reference to an officer of an education authority under this Act.

4. If any question arises as to the application of any provision of this Schedule in any particular case, that question shall be determined by the Ministry, after consultation with the Ministry of Home Affairs.

FOURTH SCHEDULE.

CONSTITUTION, POWERS, DUTIES, PROCEDURE, &C., OF COMMITTEES. Section

PART I.

REGIONAL EDUCATION COMMITTEES.

The constitution, powers, duties and procedure of a regional education committee of a county council and the term of office of the

Digitized by Google

provisions of this Act, be such as may be determined by a scheme framed by the council of the county and approved by the Ministry:

Provided that the rules hereinafter set out shall, except to such extent as the Ministry may otherwise direct, be incorporated in every such scheme, that is to say:—

Time and method of appointing members.

1. The members of a regional education committee to be appointed by the education authority or by the council of an urban or rural county district shall be appointed at such time and in such manner as may be determined by the appointing authority or council, subject to any regulation which may be made or given in that behalf by the Ministry and it shall be the duty of every appointing authority or council to act in accordance with such regulations or directions.

Term of office.

2. The term of office of the members of a regional education committee shall be three years, but the scheme may provide either that the members shall all go out of office together triennially or that one-third of the members in rotation shall go out of office in each year. A person going out of office, if otherwise qualified, may be re-appointed

Resignation.

3. A member of a regional education committee may resign by giving written notice to the appointing authority or council.

Casual vacancies.

4. A casual vacancy occurring by reason of death, resignation or otherwise shall be filled by a qualified person appointed by the body or authority by whom the vacating member was appointed, and the person so appointed shall hold office until the time when the vacating member would have regularly gone out of office, and shall then go out of office, but may be re-appointed if otherwise qualified.

Meetings.

5. A regional education committee shall meet at such times as the conduct of business may require.

Chairman.

6. Every regional education committee shall, at the first meeting of that committee, appoint one of their members to be chairman until the first meeting after the next triennial appointment, and may appoint a vice-chairman; and should the chairman and vice-chairman be absent from any meeting of the committee, the members present shall appoint one of themselves to be chairman of the meeting, and should a vacancy occur in the office of chairman before the first meeting after the next triennial appointment, it shall be filled by a new appointment. At every meeting the chairman shall have a casting, as well as a deliberative, vote.

Quorum.

7. The quorum of a regional education committee shall be one third of the total number of members of the committee.

Validity of proceedings.

8. The proceedings of a regional education committee shall not be invalidated by any vacancy among the members, or by any defect in the appointment or qualification of any of the members thereof.

Minutes.

9. Minutes of the proceedings of a regional education committee shall be kept in a book provided for the purpose, and a minute of such proceedings signed at the same or the next ensuing meeting by the chairman, or by a chairman purporting to be the chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof.

Accounts and audits.

10. Accounts of the receipts and payments of every regional education committee, and of their sub-committees and officers, shall be kept and made up in such manner and form and to such dates as may be prescribed by the Ministry of Home Affairs, and shall be audited

Digitized by Google

councils, and the provisions of any enactments applicable to the audit of accounts of county councils (including provisions which impose penalties or provide for the payment of sums) shall apply accordingly to the audit of the accounts of each regional education committee, as if the committee were a separate body.

11. A regional education committee shall act in accordance with any regulations and directions that may from time to time be made or given by the education authority or by the Ministry.

12. Subject to the provisions of this Act, a regional education committee may draw up bye-laws for the conduct of their business, and may from time to time appoint sub-committees consisting in whole or in part of members of the committee for the exercise of any of their powers, but no sub-committee shall, unless re-appointed, hold office for more than one year.

PART II.

EDUCATION COMMITTEES OF COUNTY BOROUGHS.

The constitution, powers, duties and procedure of the education committee of a county borough, and the term of office of the members of such education committee shall, subject to the provisions of this Act, be such as may be determined by a scheme framed by the council of the county borough and approved by the Ministry :

Provided that—

(*a*) the minutes of all meetings of the education committee shall be presented to the council of the county borough acting in its capacity as an education authority, and no action upon those minutes which involves expenditure shall be taken by the education committee unless and until those minutes are approved by the council acting as aforesaid ; and

(*b*) the scheme shall make provision for the appointment by the education committee of sub-committees consisting in whole or in part of members of the education committee, for the exercise of any of the powers of that committee.

PART III.

SCHOOL COMMITTEES.

The constitution, powers, duties and procedure of a school committee appointed in accordance with a scheme framed under this Act, and the term of office and qualification of the members of such school committee shall, subject to the provisions of this Act, be such as may be determined by the scheme, and the scheme may apply to a school committee, with the necessary modifications, all or any of the provisions of Part I. of this Schedule.

FIFTH SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY THE EDUCATION AUTHORITY.

1. The education authority, where they propose to purchase land compulsorily under this Act, may submit to the Ministry an order authorising the education authority to put in force, as respects the land specified in the order, the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

2. An order under this Schedule shall be of no force unless and until it is confirmed by the Ministry, and the Ministry may confirm the order either without modification or subject to such modifications as

Digitized by Google

month from the publication of notice of confirmation shall, save as otherwise expressly provided by this Schedule, become final and have effect as if enacted in this Act; and the confirmation by the Ministry shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

3. The order shall be in the prescribed form, and shall contain such provisions as the Ministry may prescribe for the purpose of carrying the order into effect, and shall incorporate, subject to the necessary adaptations, the Land Clauses Acts as defined in this Schedule.

4. On the submission of the order to the Ministry notice of the order shall be published by the education authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees and occupiers of that land as may be prescribed.

5. If, within one month after the publication of the notice of the order, no objection to the order has been presented to the Ministry by a person interested in the land, or if every such objection has been withdrawn, the Ministry may, without further inquiry, confirm the order; but if such an objection has been presented, and has not been withdrawn, the Ministry shall forthwith hold a public inquiry in accordance with the provisions of this Act as to the propriety of confirming the order, and the education authority and all persons interested in the land, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry. Before confirming the order the Ministry shall consider the report of the person who held the inquiry and all objections made thereat.

6. On confirming an order the Ministry shall forthwith publish notice of the confirmation, and, if within one month after such publication, a petition against the order is received by the Ministry signed by not less than two persons interested in the land, then (unless the petition is withdrawn within the prescribed period) the order shall be provisional only and shall not have effect unless confirmed by Parliament.

A certificate by the Ministry that no such petition has been so received, or that every petition so received has been withdrawn, as the case may be, and that the order has taken effect shall be conclusive evidence of the facts certified.

7. The arbitrator appointed for the purpose of settling compensation shall, in addition to his powers under the Acts incorporated with the order, have power—

(*a*) to state his award or any part thereof in the form of a special case for the opinion of the High Court on a question of law under section eight of the Common Law Procedure Amendment Act (Ireland), 1856; and

(*b*) on the application of the education authority, to order works to be executed by that authority for the accommodation of adjoining lands or buildings either instead of or in addition to the payment of compensation.

8. In construing, for the purposes of this Schedule or any order made thereunder, any enactment incorporated with the order, the Act, together with the order when duly confirmed, shall be deemed to be the special Act or the confirming Act, as the case requires; the confirmation of the order shall be deemed to be the passing of

Digitized by Google

promoters of the undertaking, company, local authority or district council, as the case requires.

9. In this Schedule the expression "prescribed" means prescribed by regulations of the Ministry, and the expression "Lands Clauses Acts" means the Lands Clauses Acts as amended by the provisions contained in the Second Schedule to the Housing of the Working Classes Act, 1890.

SIXTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 66	The Intermediate Education (Ireland) Act, 1878.	The whole Act.
45 & 46 Vict. c. 69	The Intermediate Education (Ireland), Act, 1882	The whole Act.
52 & 53 Vict. c. 76	The Technical Instruction Act, 1889.	The whole Act.
54 & 55 Vict. c. 4	The Technical Instruction Act, 1891.	The whole Act.
55 & 56 Vict. c. 42	The Irish Education Act, 1892.	The whole Act.
56 & 57 Vict. c. 41	The Irish Education Act, 1893.	The whole Act
61 & 62 Vict. c. 37	The Local Government (Ireland) Act, 1898.	Section seven; section seventy-four.
62 & 63 Vict. c. 50	The Agriculture and Technical Instruction (Ireland) Act, 1899.	So much of the Act as relates to technical instruction.
63 & 64 Vict. c. 43	The Intermediate Education (Ireland) Act, 1900.	The whole Act.
3 Edw. 7, c. 45	The Employment of Children Act, 1903.	The whole Act.
8 Edw. 7, c. 38	The Irish Universities Act, 1908.	Section ten.
3 & 4 Geo. 5, c. 29	The Intermediate Education (Ireland) Act, 1913	The whole Act.
4 & 5 Geo. 5, c. 35	The Education (Provision of Meals) (Ireland) Act, 1914.	The whole Act.
4 & 5 Geo. 5, c. 41	The Intermediate Education (Ireland) Act, 1914.	The whole Act
6 Geo. 5, c. 10	The Education (Provision of Meals) (Ireland) Act, 1916.	The whole Act.
7 & 8 Geo. 5, c. 53	The Education (Provision of Meals) (Ireland) Act, 1917.	The whole Act.
9 & 10 Geo. 5, c. 1[illegible]	The Public Health (Medical Treatment of Children) (Ireland) Act, 1919.	The whole Act.

Digitized by Google

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate the Supplies granted in this Session of Parliament. [22nd June, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £5,789,483 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, the sum of five million, seven hundred and eighty-nine thousand, four hundred and eighty-three pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise on the credit of the said sum, any sum or sums not exceeding in the whole two million five hundred thousand pounds.

(2) The date of payment of any Treasury Bill issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-four.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Digitized by Google

Appro tion of grants

3. The sums granted by this Act and the other Act mentioned in Schedule (A) of this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said Schedule, in the aggregate, to the sum of eight million one hundred and twelve thousand, eight hundred and sixteen pounds, three shillings and seven pence, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the several services and purposes expressed in Schedule (B) of this Act.

In addition to the sums hereby granted out of the said Consolidated Fund, there may be applied as appropriations in aid of the grants for the several services and purposes specified in Schedule (B) of this Act the sums respectively set forth in the last column of the said Schedule (B), and any of the sums set forth in that column may be so applied, notwithstanding that some part thereof may be derived from sums granted by Act of Parliament for other services specified in the said Schedule (B).

Decla requir certai before ceipt sums priate

4. A person shall not receive any part of a grant which may be made in pursuance of this Act for civil or police non-effective services, or any pension, superannuation allowance or gratuity from any fund towards which a grant may be made in pursuance of this Act until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Ministry of Finance before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Ministry of Finance may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short

5. This Act may be cited as the Appropriation Act (Northern Ireland), 1923.

Digitized by Google

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£ s. d.
For the service of the period ended on the 31st day of March, 1922 :—	
Under Act 13 Geo. 5, c. 3	1,771 3 7
For the service of the year ended on the 31st day of March, 1923 :—	
Under Act 13 Geo. 5, c. 3 ..	44,062 0 0
For the service of the year ending on the 31st day of March, 1924 :—	
Under Act 13 Geo. 5, c. 3	2,277,500 0 0
Under this Act	5,789,483 0 0
TOTAL	£8,112,816 3 7

SCHEDULE (B).

PART I.

	Sum Granted	Appropria-tions-in-Aid
	£ s. d.	£
Sum granted to make good an excess on the Grant for Prisons for the year ended on the 31st day of March, 1922	1,771 3 7	—

Digitized by Google

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charge of the several Services herein particularly mentioned for the period ended on the 31st day of March, 1923, viz. :—

No.		Sums Granted.	Appropriations-in-Aid.
	CLASS I.	£	£
3.	For the salaries and expenses of the Ministry of Finance, including Revenue services, Valuation, Registration, Loan services, Public Works, Charity Funds, and collection of Land Purchase Annuities	15,912	4,250
4.	For the expenses of the Department of the Comptroller and Auditor-General	720	—
5.	For expenditure in respect of Public Works and Buildings	10	75,225
6.	For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for production of the Belfast Gazette ..	4,200	8,100
	CLASS II.		
6.	For grants to local authorities in respect of health, housing, etc., and in relief of local rates	22,960	—
10.	For expenses in connection with the official State Entry of His Grace the Governor of Northern Ireland	250	30
	CLASS IV.		
2.	For the expenses of educational services	10	

Digitized by Google

PART III.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1924, viz. :—

No.	CLASS I.	Sums Granted.	Appropriations-in-Aid.
		£	£
1.	For the salaries and expenses of the Senate and of the House of Commons (including a supplementary sum of £7,600)	26,803	150
2.	For the salaries of the department of the Prime Minister, the salaries of the Cabinet and of the Cabinet Secretariat (including a supplementary sum of £1,000) ..	13,901	—
3.	For the salaries and expenses of the Ministry of Finance, including Revenue services, Valuation, Registration, Loan services, Public Works, Charity Funds, Stationery Office, Teachers' Pensions, Civil Service Commission, Ulster Savings, Loans Guarantee Act (N.I.), 1922, and collection of Land Purchase Annuities and Tithe Rent Charges	124,749	7,905
4.	For the expenses of the Department of the Comptroller and Auditor-General	4,057	10
5.	For expenditure in respect of public works and buildings	115,256	197,007
6.	For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for production of the Belfast Gazette ..	4,750	41,445
7.	For Old Age Pensions, for administrative expenses in connection therewith, and for Pensions under the Blinds Persons Act	1,092,484	50
8.	For Superannuation and additional allowances and gratuities under sundry statutes and supplementary pensions and allowances granted by the Ministry of Finance and in respect of Workmen's Compensation Insurance	3,179	—

Digitized by Google

CLASS I.—Continued. No.	Sums Granted.	Appropriations-in-Aid.
	£	£
9. For the salaries, allowances and expenses of various County Court Officers and certain miscellaneous legal expenses, including certain Grants-in-Aid	28,188	1,350
10. For the expenses in respect of secret services	15,000	—
11. For the salaries and expenses incidental to the setting up of the Public Record Office	2,500	—
12. For a grant in aid of the Government Hospitality Fund	3,000	—
CLASS II.		
1. For the salaries and expenses of the Ministry of Home Affairs ..	59,008	11,031
2. For the expenses of criminal prosecutions and other law charges, including grant in relief of certain expenses payable by Statute out of local rates	17,353	100
3. For the expenses of prisons and the maintenance of Criminal Lunatics	154,627	335
4. For the expenses of reformatory and industrial schools and places of detention	13,280	600
5. For grants to local authorities in respect of health, housing, etc., and in relief of local rates	370,568	—
6. For the salaries and expenses of the Special Constabulary	1,580,385	1,000
7. For the salaries and expenses of the Royal Ulster Constabulary, including police women and temporary Inspectors of Weights and Measures	822,243	16,600
8. For the recoupment to local authorities in respect of payments made by them on foot of Criminal Injury Decrees	750,000	—

Digitized by Google

No.		Sums Granted.	Appropriations-in-Aid.
	CLASS III.		
1.	For the salaries and certain expenses of the Ministry of Labour ..	£ 133,710	£ 123,065
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts, 1911-22	149,275	—
3.	For the contributions to the Unemployment Fund and to special schemes under the Unemployment Insurance Acts, 1920-22 ..	265,000	—
4.	For grants to local authorities, etc., for assistance in carrying out approved schemes to relieve unemployment (including a supplementary sum of £25,000)	272,000	—
	CLASS IV.		
1.	For the salaries and expenses of the Ministry of Education	67,660	101
2.	For the expenses of educational services, including grants in aid of the Teachers' Pension Fund ..	1,816,795	700
	CLASS V.		
1.	For the salaries and expenses of the Ministry of Agriculture ..	58,707	275
2.	For the expenses of the Ministry of Agriculture in respect of agricultural institutions, improvement of live stock, agricultural research development, including sundry grants-in-aid	49,656	5,200
3	For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	10,166	500
	CLASS VI.		
1	For the salaries and expenses of the Ministry of Commerce	23,273	122
2	For the expenses of Harbours and commercial services, including certain grants-in-aid	19,410	200

Digitized by Google

CHAPTER 23.

An Act to Provide for the making of grants in aid of the repayment of certain loans and advances to rural district councils under the Labourers (Ireland) Acts, 1883 to 1919.

[27th November, 1923.]

WHEREAS, by the operation of the Government of Ireland Act, 1920, and the orders made by His Majesty in Council thereunder, the provisions of the Labourers (Ireland) Acts, 1883 to 1919, and of any other enactments with respect to the Labourers' Cottages Fund, the Local Taxation (Ireland) Account, the Guarantee Fund, and the Ireland Development Grant have ceased to have effect in Northern Ireland; and it is expedient to make provision, in lieu of the said enactments, for the payment out of moneys provided by Parliament of certain sums in aid of the repayment of loans and advances under the said Labourers (Ireland) Acts:

BE it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Parliamentary grants in aid of repayment of loans and advances.

1.—(1) There shall be paid in each financial year out of moneys provided by Parliament to the councils of the several rural districts in Northern Ireland in which cottages were provided under the Labourers Acts before the commencement of the Labourers (Ireland) Act, 1906, being cottages in respect of which loans are for the time being outstanding, such sums as may be certified to be payable in accordance with this sub-section; and the sums so certified shall be applied towards the repayment of those loans.

6 Edw. 7, c. 37.

The sum payable under this sub-section in any year to the council of a rural district shall be a sum equivalent to seventeen pounds per cent. of the sum which the council is liable to pay or to set apart in the course of that year in respect of the repayment of any loan outstanding as aforesaid.

(2) There shall be paid out of moneys provided by Parliament thirty-six pounds per cent. of the total amount of the purchase annuities payable in each financial year

Digitized by Google

by rural district councils in Northern Ireland in respect of advances made by the Irish Land Commission or by the Land Purchase Commission, Northern Ireland, in pursuance of schemes approved (whether before or after the passing of the Government of Ireland Act, 1920) for the provision of cottages and allotments under the Labourers (Ireland)Acts, 1883 to 1919.

(3) The payment of any sums to or on behalf of a rural district council under this section, and any certificate required to be given for the purpose of any such payment, shall be made or given at such times and in such manner as may be prescribed by regulations made by the Ministry of Home Affairs for Northern Ireland with the approval of the Ministry of Finance for Northern Ireland.

2. This Act may be cited as the Labourers Act (Northern Ireland), 1923, and shall be construed as one with the Labourers (Ireland) Acts, 1883 to 1919, as those Acts apply in Northern Ireland, and those Acts and this Act may accordingly be cited together as the Labourers Acts (Northern Ireland), 1883 to 1923.

CHAPTER 24.

An Act to amend section twenty-nine of the Electricity (Supply) Act, 1919, and section seven of the Gas Regulation Act, 1920, in their application to Northern Ireland, and for purposes connected therewith. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The apportionment of the amounts payable on demand to the Electricity Commissioners by joint electricity authorities and authorised undertakers within Northern Ireland under sub-section (2) of section twenty-nine of the Electricity (Supply) Act, 1919 (in this Act referred to as "the Act of 1919"), shall, in respect of the expenses of the Electricity Commissioners for the

Digitized by Google

hundred and twenty-three, and for each subsequent financial year, be made in accordance with the number of units of electricity sold by each such authority or undertaker in the year ending the thirty-first day of December next preceding any such first day of April, instead of being made in accordance with the number of units of electricity generated in the preceding year.

The expression "units of electricity sold" means all units generated or purchased by a joint electricity authority or authorised undertaker less—

(*a*) those used in the generating station;
(*b*) those lost in transmission or distribution; and
(*c*) those sold in bulk to authorised undertakers.

(2) Every joint electricity authority and authorised undertaker shall furnish to the Electricity Commissioners not later than the first day of March in each year a statement of the number of units so sold by them, and, in the event of any such authority or undertaker failing to supply such particulars on or before that date, the Electricity Commissioners may proceed with the apportionment, and for that purpose may make any necessary estimates.

(3) The apportionment when made shall be conclusive for all purposes:

Provided that, if it subsequently appears to the Electricity Commissioners that for any reason the apportionment for any year ought to be revised, they may revise the apportionment, and when determining the apportionment in any subsequent year make such adjustments as may be necessary to give effect to such revision.

(4) If any joint electricity authority or authorised undertaker fail to pay to the Electricity Commissioners the sum apportioned to them within two months after receiving the demand therefor, interest at the rate of six per cent. per annum shall be payable on the amount demanded from the date of demand to the date of payment.

(5) The Electricity Commissioners may, in estimating their expenditure for the purposes of sub-section (1) of section twenty-nine of the Act of 1919, include—

(*a*) a reasonable sum in order to provide a working balance for the year; and
(*b*) any expenses of the Ministry of Commerce

Digitized by Google

for Northern Ireland, are directly attributable to the execution of the powers and duties of the Electricity Commissioners by officers of the Ministry of Commerce, whether in the capacity of Electricity Commissioners or otherwise.

(6) Any sums due from any joint electricity authority or authorised undertaker under section twenty-nine of the Act of 1919, as amended by this section, shall be recoverable by the Electricity Commissioners summarily as a civil debt.

(7) During any period for which officers of the Ministry of Commerce are acting as Electricity Commissioners, the salaries, remuneration, pensions, gratuities and expenses of those Commissioners, and of the other persons mentioned in subsection (7) of section one and subsection (3) of section twenty-nine of the Act of 1919, shall be paid out of moneys provided by Parliament; and all sums received by the Electricity Commissioners sha l be paid to that Ministry and applied as an appropriation in aid of moneys provided by Parliament to defray the expenses of that Ministry; and the provisions of the said sub-sections, so far as they relate to a separate fund, and to payments out of and into that fund, shall not have effect during any such period, nor in respect of the period from the first day of January, nineteen hundred and twenty-two, to the passing of this Act.

2.—(1) The salaries, remuneration, pensions, gratuities and expenses referred to in sub-sections (1) and (2) of section seven of the Gas Regulation Act, 1920, shall be paid out of the moneys provided by Parliament; and the gas fund to be established in Northern Ireland under that section shall not be established, or, if so established, shall cease to exist.

(2) The payments to be made by undertakers under sub-section (3) of the said section shall be paid to the Ministry of Commerce and applied as an appropriation in aid of moneys provided by Parliament to defray the expenses of that Ministry.

(3) Sub-section (5) of the said section is hereby repealed.

Digitized by Google

Commissioners" and "Ministry of Commerce" mean respectively the Electricity Commissioners for Northern Ireland and the Ministry of Commerce for Northern Ireland. Construction and short title.

(2) References in this Act to the Act of 1919 and to the Gas Regulation Act, 1920, shall be construed as references to those Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any Order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act. 10 & 11 Geo. 5, c. 67.

(3) This Act may be cited as the Electricity and Gas (Expenses) Act (Northern Ireland), 1923.

CHAPTER 25.

An Act to continue certain Expiring Laws as respects Northern Ireland.

[27th November, 1923.]

WHEREAS the Acts whether passed by the Parliament of the United Kingdom or by the Parliament of Northern Ireland) mentioned in the Schedule to this Act are, in so far as they are in force in Northern Ireland and are temporary in their duration, limited to expire on the several dates specified in the several Parts of the said Schedule in connection with such Acts respectively:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

BE it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Acts mentioned in the several Parts of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued as respects Northern Ireland (unless Parliament otherwise determines) until the thirty-first day of December, nineteen hundred and twenty-four, and shall then expire unless further continued. Continuance of Acts in Schedule.

Digitized by Google

ing the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act (Northern Ireland), 1923.

(2) References in this Act to any enactments or Acts of the Parliament of the United Kingdom shall be construed as references to those enactments or Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(3) Nothing in this Act shall be construed as affecting any enactment in so far as the enactment relates to a matter with respect to which the Parliament of Northern Ireland has not power to make laws.

SCHEDULE.

PART I.

Enactments of the United Kingdom Parliament Continued in their Duration.
(Date of Expiry—31st December, 1923.)

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 3 & 4 Vict., c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act.	5 & 6 Vict., c. 68. 7 & 8 Vict., c. 47. 30 & 31 Vict., c. 60.
(2) 33 & 34 Vict., c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict., c. 100. 49 & 50 Vict., c. 6.
(3) 39 & 40 Vict., c. 21.	The Jurors' Qualification (Ireland) Act, 1876.	The whole Act.	57 & 58 Vict., c. 49. 61 & 62 Vict., c. 37, s. 69.
(4) 46 & 47 Vict., c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict., c. 77. 49 & 50 Vict., c. 59. 54 & 55 Vict., c. 48.

Digitized by Google

PART I.—(continued).

(Date of Expiry—31st December, 1923).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
46 & 47 Vict., c. 60.	The Labourers (Ireland Act), 1883.	The whole Act.	54 & 55 Vict., c. 71. 55 & 56 Vict., c. 7. 59 & 60 Vict., c. 53. 61 & 62 Vict., c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 7 Edw. 7, c. 36. 7 Edw. 7, c. 44. 9 Edw. 7, c. 42. 1 & 2 Geo. 5, c. 19. 4 & 5 Geo. 5, c. 32. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55.
(5) & 2 Geo. 5., c. 55.	The National Insurance Act, 1911.	Section forty-two.	3 & 4 Geo. 5., c. 37. 4 & 5 Geo. 5., c. 81. 7 & 8 Geo. 5., c. 62. 10 & 11 Geo. 5., c. 10.
(6) & 3 Geo. 5., c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	——
(7) & 5 Geo. 5., c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——

Digitized by Google

PART I.—(continued).

(Date of Expiry—31st December, 1923).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(8)			
4 & 5 Geo. 5., c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates (*a*) to enforcing the lapse of policies of insurance, and (*b*) to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	5 & 6 Geo. 5., c. 19. 6 & 7 Geo. 5., c. 13. 6 & 7 Geo. 5., c. 18. 7 & 8 Geo. 5., c. 25. 9 & 10 Geo. 5., c. 64. 10 & 11 Geo. 5., c. 5.
(9)			
9 & 10 Geo. 5., c. 45.	The Housing (Ireland) Act, 1919.	Section twenty-one.	——
(10)			
10 & 11 Geo. 5., c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——
(11)			
11 & 12 Geo. 5., c. 66.	The National Health Insurance (Prolongation of Insurance) Act 1921.	The whole Act.	——
(12)			
12 & 13 Geo. 5., c. 22.	The Summer Time Act, 1922.	The whole Act.	——

PART II.

Enactments of the United Kingdom Parliament Continued in their Duration.

(Date of Expiry—31st March, 1924).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1)			
8 & 9 Geo. 5., c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.	10 & 11 Geo. 5., c. 14.
(2)			
10 & 11 Geo. 5., c. 21.	The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	——

Digitized by Google

SCHEDULE.—(Continued).

PART III.

Enactments of the United Kingdom Parliament Continued in their Duration.

(Date of Expiry—24th December, 1923).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
10 & 11 Geo. 5., c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	The whole Act.	——

PART IV.

Enactments of the Parliament of Northern Ireland Continued in their Duration.

(Date of Expiry—31st March, 1924.)

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 2 Geo. 5, c. 5.	The Local Government (Emergency Powers) Act, 1921 [N. I.].	The whole Act.	——
(2) 2 & 13 Geo. 5. c. 5.	The Civil Authorities (Special Powers) Act (Northern Ireland), 1922.	The whole Act.	——
(3) 3 Geo. 5., c. 2.	The Inspectors of Weights and Measures Act (Northern Ireland), 1923.	The whole Act.	——

Digitized by Google

An Act to amend the Law relating to certain Duties of Inland Revenue (including Excise), to alter other Duties and to make further provision in connection with Finance. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

Entertainments Duty and Licence Duty.

rom
n-
uty.
eo.

1.—(1) Entertainments duty within the meaning of section one of the Finance (New Duties) Act, 1916, as amended by any subsequent enactment, shall not be charged on payments for admission to an entertainment as respects which it is proved to the satisfaction of the Ministry of Finance for Northern Ireland—

(*a*) that the entertainment is provided by a society which is not established or conducted for profit ; and

(*b*) that the society by which the entertainment is provided is a society established solely or partly either—

(i) for the purpose of promoting the interest of any industry ; or

(ii) for the purpose of promoting graphic art, sculpture, or arts craftsmanship ; or

(iii) for the purpose of promoting the public health ; and

(*c*) that the entertainment consists solely—

(i) in the case of a society of the description mentioned in paragraph (*b*) (i) of this sub-section, of an exhibition of the products of the industry for promoting the interest of which the society exists, or of materials, machinery, appliances, or foodstuffs used in the production of those products, or displays of skill by workers in the industry in work pertaining to the industry ; or

Digitized by Google

(ii) in the case of a society of the description mentioned in paragraph (*b*) (ii) of this sub-section, of an exhibition of works of graphic art, sculpture, and arts craftsmanship, or of one or more of such classes of works, executed and exhibited by persons who practise graphic art, sculpture, or arts craftsmanship for profit and as their main occupation, or of displays of skill by such persons in such arts or crafts; or

(iii) in the case of a society of the description mentioned in paragraph (*b*) (iii) of this sub-section, of an exhibition of articles or displays of skill which are of material interest in connection with questions relating to the public health;

or consists solely of such exhibitions or displays of skill together with a performance of music by a band.

(2) In this section—

The expression "society" includes a company, institution, or other association of persons by whatever named called;

The expression "industry" includes a branch of an industry and includes agriculture;

The expression "agriculture" includes horticulture and live stock breeding;

The expression "live stock" includes animals of any description.

(3) Section seven and paragraph (2) of section eight of the Finance Act, 1921, are hereby repealed.

Relief from entertainments duty in respect of school entertainments.

6 & 7 Geo. 5. c. 24.

2. Notwithstanding that any of the persons taking part as performers in the entertainment are persons of the age of eighteen or upwards, entertainments duty within the meaning of the Finance (New Duties) Act, 1916, as amended by any subsequent enactments, shall not be charged on payments for admission to any school entertainment in the case of which the Ministry of Finance for Northern Ireland is satisfied with respect to all the matters, other than the age of the performers, mentioned in section twelve of the Finance Act, 1916.

Licence duty on six-wheeled vehicles.

3.—(1) Where a vehicle is used in combination with a trailer which has not more than two wheels in contact with the ground, and is so constructed and by partial

Digitized by Google

superimposition so attached to the vehicle that at all times the weight on the rear axle of the vehicle exceeds the weight on the axle of the trailer, the vehicle and the trailer shall, for the purpose of determining the rate of duty chargeable under the Second Schedule to the Finance Act, 1920, but not for any other purpose, be treated as if it were a single vehicle used for drawing a trailer.

(2) This section shall come into operation on the first day of January, nineteen hundred and twenty-four.

PART II.

Stamp Duty and Estate Duty.

4. The following documents, if executed or issued in respect of Savings Certificates under the provisions of the Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922, shall be exempt from stamp duty, that is to say:—

(*a*) any warrant or other order for the payment of money;

(*b*) any receipt or other acknowledgment for the receipt of money;

(*c*) any power of attorney or other document in relation to the payment of sums or the receipt of sums payable.

This section shall be deemed to have come into operation on the twelfth day of October, nineteen hundred and twenty-two.

5. Section forty-six of the Stamp Act, 1891, in so far as it requires the certificates of solicitors in Northern Ireland to be stamped, and so much of the First Schedule to that Act as prescribes the amount of stamp duty on certificates to be taken out yearly by solicitors practising or carrying on business in Northern Ireland, shall not apply in the case of any solicitor serving in an established capacity in the civil service of the Government of Northern Ireland; and the certificate of any such solicitor shall not be chargeable with any stamp duty, any enactment to the contrary notwithstanding.

6.—(1) Where property situate out of Northern Ireland is bequeathed to or settled on different persons in succession and legacy duty or succession duty has, whether before or after the commencement of this Act, been paid thereon, such duty shall, for the purposes of subsection (2) of section two of the Finance Act, 1894 (which provides that property situate out of Northern Ireland shall be deemed to be included in property passing

Digitized by Google

duty is payable in respect thereof, or would be so payable but for the relationship of the person to whom it passes), be deemed to be payable in respect of the property on the death of each of those persons in succession, notwithstanding that the whole amount of the duty was paid on one death only as in the case of a legacy to one person:

Provided that nothing contained in this section shall be construed as affecting prejudicially any power to grant relief in respect of double estate duties which is exerciseable in pursuance of the provisions of section twenty-eight of the Government of Ireland Act, 1920, section five of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), or the Double Taxation Relief Act (Northern Ireland), 1923.

10 & 11 Geo. 5 c. 67.
13 Geo. 5, c. 2 (Sess. 2).
13 & 14 Geo. 5 c. 14.

(2) This section shall apply in the case of property passing on the death of a person who dies on or after the first day of November, nineteen hundred and twenty-three.

PART III.

Miscellaneous and General.

Repeal of s. 4 of 10 Edw. 7 & 1 Geo. 5, c. 8.

7. As from the commencement of this Act, such parts of section four of the Finance (1909-10) Act, 1910, as are not repealed by section fifty-seven of the Finance Act, 1920, shall be repealed.

Amendment of provisions of 10 & 11 Geo. 5, c. 72 as to Road Fund.

8. The provisions of the Roads Act, 1920, with respect to the Road Fund (Northern Ireland) shall have effect as if the following paragraph were added to subsection (4) of section three of that Act—

"(*f*) such sums as the Ministry of Home Affairs for Northern Ireland may from time to time certify as being required for the satisfaction of claims (whether arising under this Act or the Finance Act, 1920) for repayment in connection with any of the duties on mechanically-propelled vehicles levied by county councils under section one of this Act, including the sums required for the reimbursement to county councils of the amounts paid by them in connection with such repayments."

Extension of period for guarantee of loans.

9. The period within which guarantees may be given under section one of the Loans Guarantee Act (Northern Ireland), 1922, as amended by the Loans Guarantee

Digitized by Google

extended by one year, and accordingly for the words "the year" in sub-section (6) of the said section there shall be substituted the words "each year."

10.—(1) Sub-section (2) of section two of the Exchequer and Financial Provisions Act (Northern Ireland), 1923, shall have effect as if the words "for the creation of a fund to be applied to the maintenance and depreciation of public buildings, and" were omitted therefrom.

(2) The power to make loans, which is conferred upon the Ministry of Finance for Northern Ireland by sub-section (1) (*b*) of section five of the said Act, shall include, and shall be deemed always to have included, a power to make loans for the purpose of assisting civil servants to build houses for their accommodation, but the said power, extended as aforesaid, shall not be exercised after the expiration of five years from the twenty-ninth day of March, nineteen hundred and twenty-three.

11—(1) References in this Act to any Acts of the Parliament of the United Kingdom shall be construed as references to those Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(2) References in this Act to the Ministry of Finance for Northern Ireland shall, if they occur in relation to taxes or duties, be construed as references to that Ministry acting in the execution of the powers transferred to it either from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise (as the case may require), and as including references to any officer of a department of the Government of the United Kingdom who is acting in the execution of any such powers on behalf of that Ministry by virtue of an arrangement under section sixty-three of the Government of Ireland Act, 1920.

(3) This Act may be cited as the Finance Act (Northern Ireland), 1923.

Digitized by Google

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate the further Supplies granted in this Session of Parliament. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £46,000 out of the Consolidated Fund.

1. The Ministry of Finance for Northern Ireland (in this Act referred to as " the Ministry of Finance ") may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, the sum of forty-six thousand pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole twenty-five thousand pounds.

(2) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(3) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-four.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Digitized by Google

3. The sums granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by Schedule (A) of this Act, in the aggregate, to the sum of forty-six thousand pounds, are appropriated for the several services and purposes expressed in Schedule (B) of this Act.

4. This Act may be cited as the Appropriation (No. 2) Act (Northern Ireland), 1923.

SCHEDULE (A).

Grant out of the Consolidated Fund .. £46,000

SCHEDULE (B).

SCHEDULE of sums granted to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1924, viz. :—

No.	CLASS. I.	Sums Granted.	Appropriations in Aid.
		£	£
9.	For the salaries, allowances and expenses of various County Court Officers and certain miscellaneous legal expenses, including certain grants in aid	4,000	—
	CLASS IV.		
2.	For the expenses of educational services, including grants in aid of the Teachers' Pension Fund (Northern Ireland)	30,000	—
	CLASS VI.		
2.	For the expenses of Harbours and commercial services, including certain grants in aid	12,000	—
		£46,000	—

Digitized by Google

An Act to give the force of Law to certain arrangements made by the Treasury of the United Kingdom with the Government of Northern Ireland, pursuant to sub-section (2) of section seven of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), and to amend the Superannuation Acts (Northern Ireland), 1921 and 1922. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions for giving effect to arrangement with the Treasury of the United Kingdom. 13 Geo. 5, c. 2 (Sess.) 2, 55 & 56 Vict. c. 40.

1. The arrangements made with the Government of Northern Ireland under sub-section (2) of section seven of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), pursuant to which the Treasury have declared the revenue of Northern Ireland to be a public fund for the purposes of the Superannuation Act, 1892, shall have the force of law in Northern Ireland; and for the purpose of giving effect to those arrangements—

(*a*) the amounts apportioned by the Treasury, or determined by the Joint Exchequer Board, to be paid out of the revenue of Northern Ireland shall be paid out of moneys provided by Parliament;

(*b*) paragraphs (*b*) and (*d*) of sub-section (1) of section two of the Superannuation Act, 1921, are hereby repealed. 12 Geo. 5, c. 3.

Extension of provisions as to specially appointed officers.

2.—(1) The Superannuation Acts (Northern Ireland), 1921 and 1922, shall have effect, and shall be deemed always to have had effect, as if—

(*a*) the definition of a specially appointed officer which is contained in sub-section (2) of section two of the Superannuation Act, 1921, included any officer (other than a transferred Irish officer) who, having served in an established capacity in the permanent civil service of the United Kingdom, and also in the civil services of the Provisional Government of Southern Ireland

Digitized by Google

been before the passing of this Act, or is not later than twelve months thereafter, transferred to the civil service of Northern Ireland and is or becomes a civil servant;

Geo.

(*b*) the reference in section one of the Superannuation Act (Northern Ireland), 1922, to the civil service of the United Kingdom included a reference to the civil services of the Provisional Government of Southern Ireland and the Government of the Irish Free State; and

(*c*) the reference in the said section one of the Superannuation Act (Northern Ireland), 1922, to any purpose of the Superannuation Act, 1921, were a reference to any purpose of that Act as extended by this Act.

(2) For the purpose of computing the amount of any superannuation allowance, additional allowance, compensation or gratuity which may be granted to or in the case of a person who is included in the definition of a specially appointed officer by virtue of the foregoing provisions of this section, his service in the civil service of the United Kingdom and in the civil services of the Provisional Government of Southern Ireland and the Government of the Irish Free State shall be reckoned as if it had been service in an established capacity in the permanent civil service of Northern Ireland.

itle

3. This Act may be cited as the Superannuation Act (Northern Ireland), 1923, and shall be construed as one with the Superannuation Acts (Northern Ireland), 1921 and 1922, and may be cited with those Acts.

ction.

Digitized by Google

An Act to enable certain special constables to be appointed as members of the Royal Ulster Constabulary. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Temporary suspension of age limit for certain appointments to Royal Ulster Constabulary.

1. So long as this Act continues in force, a special constable, belonging to any such class of special constabulary and having such service as may be specified by the Minister of Home Affairs for Northern Ireland, may, notwithstanding any limitation of age imposed by any enactment, be lawfully appointed as an officer or constable of the Royal Ulster Constabulary.

Duration of Act.

2. This Act shall continue in force until the thirty-first day of December, nineteen hundred and twenty-six, and no longer.

Short title.

3. This Act may be cited as the Constabulary Act (Northern Ireland), 1923.

CHAPTER 30.

An Act to amend the enactments relating to the Housing of the Working Classes and the Acquisition of Small Dwellings in Northern Ireland. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Provision for payment of money to persons, constructing houses and to housing authorities.

1.—(1) Subject to the provisions of this section, the Ministry of Home Affairs for Northern Ireland (in this Act referred to as " the Ministry ") may make grants to any persons or bodies of persons constructing houses, and to local authorities carrying out schemes for the provision

Digitized by Google

(2) Grants under this section shall, except as otherwise expressly provided therein, be at the rate of sixty pounds in respect of each house constructed.

(3) Grants under this section shall be made only in respect of houses—

(*a*) which are of such type and size as is specified in this section and satisfy the Ministry as to structural stability and proper sanitation.

(*b*) which are certified under this section to have been completed in a proper and workmanlike manner;

(*c*) which have been commenced on or after the twenty-fourth day of October, nineteen hundred and twenty-two and completed before the first day of April, nineteen hundred and twenty-five.

(*d*) which are erected either—

(i) in the area of a local authority or within a distance of one mile and a half from the boundary of that area; or

(ii) in an area within a rural district to which the provisions of this section are extended by order of the Ministry as hereinafter provided.

(4) Houses to which grants under this section may be made shall be of the kitchen or small parlour type with a minimum of six hundred and a maximum of nine hundred and fifty superficial feet, such measurements being calculated in accordance with rules made by the Ministry:

Provided that if the Ministry is satisfied that, having regard to special circumstances existing in any locality there is a need for houses of smaller dimensions, the Ministry may reduce the minimum measurements, as respect houses in that locality to which the special circumstances relate, to five hundred and fifty superficial feet.

(5) Certificates as to the completion of houses erected in the area of a local authority (other than houses provided by the local authority themselves) shall be given by the local authority:

Provided that any person aggrieved by the refusal or neglect of a local authority to give a certificate under this sub-section in respect of any house may appeal to

Digitized by Google

has been completed in a proper and workmanlike manner it shall certify accordingly.

(6) Certificates as to the completion of houses provided by a local authority (whether within or without their area) or erected by any other person or body of persons outside the area of a local authority, shall be given by the Ministry.

(7) Where any persons, bodies of persons or local authority have received or are entitled to receive any Government contribution (other than a grant under this section) in respect of the construction of houses to which this section is applicable, then—

(*a*) if the amount of such Government contribution is equivalent to or greater than the grant which would apart from this provision be payable under this section, no grant shall be made under this section; and

(*b*) if the amount of such Government contribution is less than the grant which would apart from this provision be payable under this section, the Ministry may, subject to such conditions as it may prescribe, make a grant of an amount equivalent to the difference between such Government contribution and the grant which would be payable as aforesaid.

(8) If the Ministry is satisfied that there is an urgent need for houses in an area adjoining an industrial centre and situate within a rural district but not within one mile and a half from the boundary of the area of a local authority, and that proper housing accommodation for the working classes cannot be secured in such first-mentioned area except by the making of grants in respect of houses erected therein, the Ministry may, after consultation with the Ministry of Finance for Northern Ireland, by order extend the foregoing provisions of this section to the erection of houses in that area (which shall be defined in the order), and may make, in respect of such houses, such grants as might have been made, if the houses had been erected within the area of a local authority or within a distance of one mile and a half from the boundary of the last-mentioned area:

Provided that—

(*a*) grants under this sub-section shall be at such rate, not exceeding sixty pounds in respect of

Digitized by Google

determine; and

(*b*) no grant under this sub-section shall be made in respect of any house whose construction was begun before the first day of April, nineteen hundred and twenty-three.

(9) A local authority or rural district council may, in pursuance of a general resolution approved by the Ministry and applying to all houses in the area of the authority, or in the rural district, which comply with the conditions for the payment of grants by the Ministry under this section, promote the building of such houses within such area or district either by making to persons or bodies of persons constructing the houses grants at such rate, not exceeding forty pounds in respect of each house, constructed, as the local authority or rural district council may determine, or, at the option of the persons or bodies of persons constructing the houses, by making loans not exceeding one hundred pounds in respect of each house constructed, such loans to be free of interest and repayable by instalments over a period not exceeding twenty-five years.

Any expenditure to be incurred by a local authority under this sub-section shall be defrayed in the same manner as expenses incurred by them in the execution of Part III. of the Housing of the Working Classes Act, 1890, and the raising of money by such authority for making grants or loans thereunder shall be a purpose for which the local authority may borrow for the purposes of the said Part III. of the said Act. Any expenditure to be incurred by a rural district council under this sub-section shall be defrayed as part of their general expenses under the Public Health (Ireland) Acts, 1878 to 1918, and the raising of money by such council for making grants or loans thereunder shall be a purpose for which the council may borrow for the purposes of the said Acts.

(10) The Ministry shall have power to make all such rules as are necessary or proper for carrying this section into effect.

ıta-

pay-
under
Geo.
5.

2.—(1) Where a local authority has carried out a scheme for the provision of houses for the working classes approved under section one of the Housing (Ireland) Act, 1919, and is, under sub-section (1) of section five of that Act, in receipt of annual payments from the Ministry in respect of the loss resulting from the scheme, the Ministry and the local authority may, with the consent of the

Digitized by Google

agreement for the payment to the local authority of a lump sum in lieu of such annual payments, and in full satisfaction of any undertaking entered into under the said sub-section for the making of such annual payments; and any such agreement shall have effect accordingly, subject to the provisions hereinafter contained.

(2) All payments received by a local authority under the terms of any such agreement shall be applied by the local authority towards the repayment of moneys borrowed for the purpose of providing the houses, or towards such other purpose, to which capital is applicable, as may be approved by the Ministry.

(3) The aggregate amount of the sums which may be paid to local authorities under this section shall not exceed three hundred thousand pounds.

Charge of grants and payments upon consolidated Fund and provision for payment of annuities.

3.—(1) There shall be charged on and paid out of the Consolidated Fund of Northern Ireland, or the growing produce thereof—

(*a*) The amount of any grants which may be made under this Act by the Ministry to persons or bodies of persons constructing houses, and to local authorities carrying out schemes for the provision of houses; and

(*b*) The amount of any lump sums which may be paid under this Act to local authorities in lieu of annual payments in respect of losses resulting from approved housing schemes;

and for the purpose of providing money to defray such charges, or for repaying to the said Consolidated Fund any moneys issued in respect of such charges, the Ministry of Finance for Northern Ireland may, if it thinks fit, borrow any sum by means of terminable annuities or other securities, in such manner as the said Ministry of Finance may determine, for any period not exceeding twenty years from the passing of this Act, and the Capital Fund established under the Exchequer and Financial Provisions Act (Northern Ireland), 1923, shall be made available for the purpose of any such borrowings. All sums so borrowed shall be paid into the Exchequer of Northern Ireland.

(2) Any annuities created for the purpose of borrowing by the said Ministry of Finance shall be paid out of moneys provided by Parliament, and if those moneys are insufficient shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

Digitized by Google

issued under this section shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

4. Whereas by the operation of the Government of Ireland Act, 1920, and the orders made by His Majesty in Council thereunder, the provisions in any enactments as to the Irish Housing Fund have ceased to have effect as respects Northern Ireland: Therefore the following provisions shall have effect in lieu of the aforesaid provisions.

(*a*) There shall be paid in each financial year, out of moneys provided by Parliament, to each local authority such sum as may be certified by the Ministry to be payable in aid of the payment of the sums which the authority is liable to pay or set apart in the course of that year in respect of moneys borrowed by the authority after the passing of the Housing of the Working Classes (Ireland) Act, 1908, and before the twenty-second day of November, nineteen hundred and twenty-one, for the purposes of the said Housing of the Working Classes (Ireland) Acts (which last-mentioned sums are in this section referred to as "the annual housing charge"); and the sums so certified shall be applied by the local authority in or towards payment of the annual housing charge of the local authority.

The sum payable in any year to a local authority under this provision shall be such sum as may be certified by the Ministry to be equivalent to twelve pounds ten shillings per cent. of the annual housing charge of the local authority;

(*b*) No payment shall be made under this section in respect of the repayment of moneys borrowed, in any case where the sums liable to be paid or to be set apart by any local authority in respect of such moneys were, under sub-section (2) of section five of the Housing (Ireland) Act, 1919, required to be excluded from the annual housing charge mentioned in that sub-section.

5. The Small Dwellings Acquisition (Ireland) Acts, 1899 and 1919, shall have effect subject to the following amendments:—

Digitized by Google

person intending to construct a house, and in such case the limitation in those Acts requiring that the person to whom the advance is made must be resident in the house, shall be construed as requiring that the person should be a person intending to reside in the house when constructed;

(*b*) the limit on the market value of houses in respect of which advances may be made under those Acts shall be increased from eight hundred to twelve hundred pounds;

(*c*) the statutory condition requiring the proprietor of a house in respect of which an advance has been made to reside in the house, shall have effect for a period of three years from the date when the advance is made, or from the date on which the house is completed, whichever is the later, but no longer, and compliance with this condition may at any time be dispensed with by the local authority;

(*d*) the market value of the ownership of any house in respect of which an advance is to be made under those Acts shall be ascertained by means of a valuation made on behalf of the local authority;

(*e*) where an advance is made in respect of a house in course of construction, the advance may be made by instalments from time to time as the building of the house progresses, so that the total advance does not at any time before the completion of the house exceed fifty per cent. of the value of the work done up to that time on the construction of the house, including the value of the interest of the person to whom the advance is made in the site thereof;

(*f*) a person shall not, by reason only of the fact that an advance is made to him under those Acts, be disqualified from being elected as or being a member of the local authority by whom the advance is made or any committee of such local authority;

(*g*) the consent of the county council shall not be required in order to enable the council of any urban district (whatever the population of that

Digitized by Google

authority in that district for the purpose of those Acts.

ng of
ity.
54
c. 70.

6. In this Act the expression "local authority" means the local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890:

Provided that in the provisions of this Act which amend the Small Dwellings Acquisition (Ireland) Acts, 1899 and 1919, the said expression means the local authority within the meaning of the last-mentioned Acts.

title,
n and
uction.

7.—(1) This Act may be cited as the Housing Act (Northern Ireland), 1923, and the Housing of the Working Classes (Ireland) Acts, 1890 to 1921, and this Act so far as it amends those Acts, may be cited together as the Housing Acts (Northern Ireland), 1890 to 1923.

(2) The Small Dwellings Acquisition (Ireland) Acts, 1899 and 1919, and this Act so far as it amends those Acts, may be cited together as the Small Dwellings Acquisition Acts (Northern Ireland), 1899 to 1923.

(3) References in this Act to any Acts of the Parliament of the United Kingdom shall be construed as references to those Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

CHAPTER 31.

An Act to amend the Law relating to Local Government in Northern Ireland, and for purposes connected therewith. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Digitized by Google

required to be contributed by the council of a county or of a county borough to a county infirmary or fever hospital, and to any officer thereof, under sub-section (1) of section fifteen of the Local Government (Ireland) Act, 1898 (in this Act referred to as "the principal Act"), the council may contribute in any year to such county infirmary or fever hospital, and any officer thereof, such further amounts as they think fit; and the limits imposed upon the amount of any such contributions by sections eighty-three, eighty-five and eighty-six of the Grand Jury (Ireland) Act, 1836, (as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899) sub-section 9) of section fifteen of the principal Act, and section two (of the Local Government (Ireland) Act, 1902, are hereby repealed.

Amendment of law as to county infirmaries and fever hospitals. 61 & 62 Vic., c. 37.

6 & 7 Will. 4, c. 116.

2 Edw. 7, c. 38.

The amount which may be contributed by any such council towards the re-building or enlargement, or erection on a new site, of any county infirmary, or towards the re-opening of a closed county infirmary, shall be such sum as the council think fit; and the limit imposed upon the amount of any such contribution by sub-section (6) of section fifteen of the principal Act is hereby repealed.

(2) The joint committee for the management of a county infirmary or fever hospital may, at their discretion, with the consent of the Ministry of Home Affairs for Northern Ireland (in this Act referred to as "the Ministry of Home Affairs") and of every contributory council, close their infirmary or fever hospital if they think it unnecessary, and may dispose of the buildings and devote the proceeds of same and of any endowments to the maintenance of other institutions doing similar work in the county, and may, with the like consent, grant to any officer of the joint committee such superannuation allowance as might have been granted to him if he had been an union officer; and for that purpose the Union Officers (Ireland) Superannuation Acts, 1865 and 1872, the Medical Officers Superannuation Act (Ireland), 1869, and the Union Officers (Ireland) Act, 1885, shall, with the necessary modifications, apply to every such joint committee and their officers (including a surgeon or medical officer) in like manner as those Acts apply to boards of guardians and their officers.

28 & 29 Vict. c. 26. 32 & 33 Vict. c. 50. 35 & 36 Vict. c. 89. 48 & 49 Vict. c. 80.

In this sub-section the expression "contributory council" means the council of any county or county borough by whom contributions are made to the county

Digitized by Google

amended by this section, or under any other enactment.

(3) The accounts of the receipts and payments of every joint committee for the management of a county infirmary or fever hospital, and of the officers of such joint committee, shall be kept and made up in such manner and form and to such dates as may be prescribed by the Ministry of Home Affairs, and shall be audited by the same officers and in like manner as the accounts of rural district councils, and the provisions of any enactments applicable to the audit of accounts of rural district councils (including provisions which impose penalties or provide for the payment of sums) shall apply accordingly to the audit of the accounts of each such joint committee.

(4) References to Dublin newspapers, where they occur in relation to the publication of notices or advertisements under the Act passed by the Irish Parliament in the session held in the fifth year of the reign of His Majesty King George the Third, chapter twenty, intituled, An Act for erecting and establishing publick infirmaries or hospitals, shall be construed as references to Belfast newspapers.

2.—(1) The enactments in this sub-section mentioned (which relate to the adoption of the Towns Improvement (Ireland) Act, 1854, in towns containing a specified population and to the constitution of such towns as urban sanitary districts) shall, until a census of Northern Ireland is taken and published under the authority of Parliament, be subject in their application to Northern Ireland to the following modifications, respectively :—

(*a*) In section one of the Towns Improvement (Ireland) Act, 1854, for the words " as ascertained by their last population returns made pursuant to Act of Parliament," there shall be substituted the words " as ascertained to the satisfaction of the Ministry of Home Affairs " ;

(*b*) The reference in section forty-two of the principal Act to a town having a population exceeding one thousand five hundred according to the last published census for the time being, shall be construed as a reference to a town having a population which has been ascertained, to the satisfaction of the Ministry of Home Affairs, to exceed that number.

(2) The Ministry of Home Affairs may make orders as to the costs and expenses of any inquiries made, or

Digitized by Google

any steps taken, by that Ministry in connection with any application, resolution, or petition made or passed by virtue of this section, and as to the parties by whom or the rates out of which such costs and expenses shall be borne; and every such order may be made a rule of the High Court on the application of any person named therein.

The Ministry of Home Affairs may, before making inquiry or taking steps in connection with any such resolution or petition as aforesaid, require security to be given, or a sum of money to be deposited, in respect of the costs and expenses of the Ministry by the persons who have adopted the resolution or made the petition.

Limitation on power of auditor.

3. The payment of any sum, not exceeding one hundred pounds, made by a public body shall not be disallowed or surcharged by the auditor, if the expenditure in respect of which the payment is made has been sanctioned by the Ministry of Home Affairs before being incurred.

In this section the expression "public body" has the same meaning as it has in the Local Government (Ireland) Act, 1902.

Scale of expenses at elections of urban district councillors.

4. The scale of election expenses applicable under Article 6 of the schedule to the Local Government (Application of Enactments) Order, 1898, to elections of councillors of an urban district shall be fixed by the council of the urban district with the approval of the Ministry of Home Affairs, and not by the county council, and that Article shall have effect accordingly.

Provision for subscriptions to funds of rural district councils' association.

5. Whereas an association of rural district councils of Northern Ireland has been formed for the purpose of consultation as to their common interests and the discussion of matters relative to local government: Therefore a rural district council may pay, as expenses incurred by them in the execution of the principal Act, any sum, not exceeding five pounds in any one year, as an annual or other subscription to the funds of the association, as well as any reasonable expenses of not more than two representatives at not more than two meetings of the association.

Fees for holding inquiries.

6. Where under any enactment (including any local Act, Provisional Order confirmed by an Act, or Order of the Lord Lieutenant in Council) the Ministry of Home

Digitized by Google

Affairs is authorised or required to hold an inquiry, and the costs of the inquiry are made payable by any council, board, commissioners, committee or other person, or in such manner and by such persons as the Ministry of Home Affairs or the officer holding the inquiry may direct, then, notwithstanding anything in such enactment, such costs may include a fee, in respect of the services of any officer of the Ministry engaged in the inquiry, not exceeding five guineas a day.

7.—(1) The council of any county, county borough or urban district may incur reasonable expenditure in the maintenance, repair and protection of any war memorial within their county, borough or district which may be vested in them.

(2) Any expenditure to be incurred by a council under this section shall be limited to an amount from time to time approved by the Ministry of Home Affairs, and shall—

(*a*) in the case of the council of a county (not being a county borough), be defrayed out of the county fund, and be raised by means of the poor rate equally over so much of the county as does not comprise any urban district; and

(*b*) in the case of the council of a county borough or urban district, be defrayed in the same manner as expenses incurred in the administration of the Public Health (Ireland) Acts, 1878 to 1918.

(3) The provisions of this section shall not apply to a war memorial provided or maintained by a council in the exercise of any other statutory power.

8. The total sums expended by the council of any urban district, or the commissioners of any town not being an urban district, for the purposes of the Health Resorts and Watering-Places (Ireland) Act, 1909, shall not in any one financial year exceed the amount that could be raised by a rate of threepence in the pound on the rateable value of the district or town, and accordingly section one of that Act shall, in its application to urban districts and towns, have effect as if the word "threepence" were substituted therein for the words "one penny."

9.—(1) Where an order has been or is made by the Ministry of Home Affairs (whether before or after the

Digitized by Google

district electoral division, the Ministry may, if it thinks it expedient for the purposes of the administration of the Poor Relief (Ireland) Acts, 1838 to 1914, or the Public Health (Ireland) Acts, 1878 to 1918, determine that the boundaries and contents of any dispensary district, shall, notwithstanding anything contained in section six of the Poor Relief (Ireland) Act, 1851, remain as they existed immediately before the making of the order altering the constitution of the district electoral division, but without prejudice to the making of any subsequent order altering the said boundaries and contents.

14 & 15 Vic. c. 68.

(2) The provisions of sub-section (3) of section seven of the Local Government Act (Northern Ireland), 1922, shall, as respects any Order made under that section on or before the eighth day of December, nineteen hundred and twenty-three, and relating to county electoral divisions, have effect with the substitution of the said day for the first day of July.

Parliamentary grants in aid of local expenditure

10.—(1) Until Parliament otherwise determines the Ministry of Home Affairs shall, with the approval of the Ministry of Finance for Northern Ireland, pay, in respect of each financial year, out of moneys provided by Parliament such sums as may be certified to be payable in accordance with this section to or on behalf of the council of any county, county borough or county district or the board of guardians of any poor law union as the equivalent of the average of the payments made out of the Local Taxation (Ireland) Account to or on behalf of such council or board in the three financial years ended on the thirty-first day of March, nineteen hundred and eighteen, the thirty-first day of March, nineteen hundred and nineteen, and the thirty-first day of March, nineteen hundred and twenty, under any of the enactments set forth in the First Schedule to this Act (being enactments which, by the operation of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, have ceased to have effect in Northern Ireland, so far as they relate to the Local Taxation (Ireland) Account and to the making of payments thereto and thereout).

10 & 11 Geo. 5. c. 67.

(2) The payment of any sums to or on behalf of a council or board under this section, and any certificate required to be given thereunder, shall be made or given at such times and in such manner as may be prescribed

Digitized by Google

Any such regulations may provide generally for the carrying into effect of the provisions of this section, and shall be laid before Parliament.

(3) Where the payment of any sum, to which the provisions of sub-section (1) of section eighty of the principal Act apply, is due to any Ministry of Northern Ireland or department of the Government of the United Kingdom, the amount thereof may be deducted from any sums payable under this section directly or indirectly to the council by whose treasurer the first-mentioned sum is payable, and may be paid (according as the said Ministry of Finance may direct) either into the Exchequer of Northern Ireland, or into the appropriate fund or public account, in discharge of that sum, and where that sum was due from a district council the county council shall debit that district council with the amount so deducted; and the certificate of the Ministry of Home Affairs under this section shall specify the amount of any deduction made as aforesaid.

The Ministry of Home Affairs may make an Order for the payment of any sum due—

(*a*) by any county or district council in respect of the repayment of the principal or interest of any local loan to which the Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922, applies, or of any loan made by the Commissioners of Public Works in Ireland; and

(*b*) by a rural district council in respect of a purchase annuity for the repayment of an advance made by the Irish Land Commission or the Land Purchase Commission, Northern Ireland, in pursuance of section sixteen of the Labourers (Ireland) Act, 1906, or any enactment extending that section;

and thereupon sub-section (1) of section eighty of the principal Act and the foregoing provisions of this subsection shall apply to that sum.

itle, ction] eal.

11.—(1) This Act may be cited as the Local Government Act (Northern Ireland), 1923, and shall be construed as one with the Local Government Acts (Northern Ireland), 1898 to 1922, and those Acts and this Act may be cited together as the Local Government Acts (Northern Ireland), 1898 to 1923.

Digitized by Google

ment of the United Kingdom shall, unless the context otherwise requires, be construed as references to those Acts as they apply to Northern Ireland under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(3) The enactments mentioned in the Second Schedule to this Act shall be repealed, as respects Northern Ireland, to the extent specified in that Schedule.

FIRST SCHEDULE.

ENACTMENTS WHICH HAVE CEASED TO HAVE EFFECT SO FAR AS THEY RELATE TO THE LOCAL TAXATION (IRELAND) ACCOUNT.

Section 10

Session and chapter.	Short Title.	Enactments.
51 & 52 Vict. c. 60	The Probate Duties (Ireland) Act, 1888.	The whole Act.
54 & 55 Vict. c. 48	The Purchase of Land (Ireland) Act, 1891.	Section five.
57 & 58 Vict. c. 30	The Finance Act, 1894.	Section nineteen.
61 & 62 Vict. c. 37	The Local Government (Ireland) Act, 1898.	Sections forty-eight, fifty-eight and fifty-nine; the proviso to sub-section (1) of section seventy six; and sub-section (2) of section eighty.
2 Edw. 7. c. 38	The Local Government (Ireland) Act, 1902.	Sections five & six.
7 Edw. 7. c. 13	The Finance Act, 1907.	Section seventeen.
10 Edw. 7. c. 8	The Finance (1909-10) Act, 1910.	Sub-section (1) of section eighty-eight
10 & 11 Geo. 5, c. 66	The Criminal Injuries (Ireland) Act, 1920.	Section two.

Digitized by Google

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of repeal.
5 Geo. 3, c. 20 (Irish)	An Act for erecting and establishing publick infirmaries or hospitals.	Section five.
6 & 7 Will. 4, c. 116 (as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899).	The Grand Jury (Ireland) Act, 1836.	In section eighty-three the words "not exceeding in the whole the annual sum of five hundred pounds"; in section eighty-five the words "not exceeding fourteen hundred pounds"; in section eighty-six the words "not exceeding ninety-four pounds."
61 & 62 Vict. c. 37	The Local Government (Ireland) Act, 1898.	Sub-section (9) of section fifteen.
2 Edw. 7. c. 38.	The Local Government (Ireland) Act, 1902.	Section two.

CHAPTER 32.

An Act to consolidate and amend the Law relating to Trade Boards in Northern Ireland.

[27th November, 1923.]

BE it enacted by the King's Most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

APPLICATION OF ACT AND ESTABLISHMENT OF TRADE BOARDS.

1.—(1) The Ministry of Labour for Northern Ireland (in this Act referred to as "the Ministry") may make a provisional order applying this Act to any specified trade, if the Ministry is satisfied that the rate of wages prevailing

Digitized by Google

the rates in other employments, and that, having regard to the degree of organisation in the trade, and to the other circumstances of the trade, it is expedient that this Act should apply to that trade:

Provided that this Act shall apply to the trades mentioned in the Schedule to this Act (being trades in Northern Ireland to which the Trade Boards Act, 1909, applied, or to which the said Act and the Trade Boards Act, 1918, were applied by virtue of provisional or special orders) but without prejudice to the powers of the Ministry by a provisional order to suspend temporarily the operation of this Act as respects any such trade, to withdraw any such trade from the operation of this Act, or to alter or amend the definition of any such trade.

9 Edw. 7, c. 22.

8 & 9 Geo 5 c. 32.

(2) If there exist at any time, in the case of a trade to which this Act applies, organised associations of employers and workers respectively for the regulation of the wages to be paid throughout that trade, the Ministry may, after consultation with those associations, make a provisional order suspending temporarily the operation of this Act as respects that trade.

(3) If at any time the Ministry is of opinion that the conditions of employment in any trade to which this Act applies, or as respects which the operation of this Act has been temporarily suspended, have been so altered as to render the operation of the Act as respects the trade unnecessary, it may make a provisional order withdrawing that trade from the operation of this Act.

(4) If the Ministry is of opinion that it is desirable to alter or amend the definition of any trade mentioned in the Schedule to this Act, it may make a provisional order altering or amending the definition of that trade.

(5) For the purposes of this section the expression "trade" means a trade as defined by a provisional order made under this Act or by or in pursuance of the Trade Boards Acts, 1909 and 1918.

Provisions as to Provisional Orders.

2.—(1) The Ministry may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but no such order shall have effect unless and until it is confirmed by Parliament.

(2) If, while a Bill confirming any such order is pending in Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to

Digitized by Google

Houses and the petitioner shall be allowed to appear and oppose as in the case of local Bills.

(3) Any Act confirming a provisional order made in pursuance of this Act may be repealed, altered or amended by any subsequent provisional order made by the Ministry and confirmed by Parliament.

ablish-
nt of
ade
ards in
des to
ich Act
plies.

3. The Ministry may, subject to the provisions of this Act, establish Trade Boards, constituted in accordance with regulations made under this Act, for any trades to which this Act applies. The regulations may provide that the jurisdiction given to a Trade Board shall extend over two or more trades, which, in the opinion of the Ministry, are of an allied or kindred nature, and that such Trade Board may exercise any of its powers and duties differently as respects any separate trade.

ties and
vers of
ade
ards as
reports
l recom-
ndations.

4. A Trade Board for any trade shall consider, as occasion requires, any matter arising under this Act which is referred to them by the Ministry, and shall make a report upon the matter to the Ministry.

A Trade Board may also, if they think it expedient, make recommendations to the Ministry, with reference to any such matter.

Fixing of Minimum Rates.

igation
Trade
ards to
general
imum
e-rates
piece-
k basis
e-rates.

5. Every Trade Board shall fix, for time-work in their trade, minimum rates of wages (in this Act referred to as "general minimum time-rates") to apply respectively to men, women and juvenile workers. General minimum time-rates shall be fixed with reference to the general body of ordinary time-workers, being men, women and juvenile workers, respectively, engaged on the least skilled operations in the trade.

Every Trade Board shall fix, for piece-work in their trade, minimum rates of wages on a time basis (in this Act referred to as "piece-work basis time-rates") to apply respectively to men and women workers. Piece-work basis time-rates shall be fixed with reference to workers of ordinary skill and experience employed on the general classes of piece-work operations carried on in the trade, and shall be at least equivalent to the general minimum time-rates fixed for men and women respectively in that trade:

Digitized by Google

try that it is unnecessary or impracticable in any case to fix a general minimum time-rate or a piece-work basis time-rate the Ministry may, so far as respects that case, relieve the Trade Board of their duty.

Powers and duties of Trade Boards as to further minimum rates of wages.

6.—(1) A Trade Board may, in their discretion, fix for their trade—

(*a*) general minimum rates of wages for piece-work done on the employer's premises (in this Act referred to as "in-workers' general minimum piece-rates") which rates shall be such as are calculated to yield to workers of ordinary skill and experience in the trade the same amount of money as the piece-work basis time-rates fixed in the trade:

Provided that the question whether the Trade Board shall proceed to fix such rates shall be determined by agreement between the members of the Trade Board representing employers on one side, and the members representing workers on the other side, the assent of not less than three-fourths of the members of either side present and voting on the question (if not less than one-half of the side are present) being binding on the side.

(*b*) general minimum rates of wages for piece-work done elsewhere than on the employer's premises (in this Act referred to as "out-workers' general minimum piece-rates") which rates shall be not less than the piece-rates which would be paid for the work if done on the employers' premises.

(*c*) general minimum rates of wages (in this Act referred to as "general overtime rates") to apply in substitution for the minimum rates which would otherwise be applicable in respect of hours worked in any week or on any day in excess of the number of hours declared by the Trade Board to be the normal number of hours of work per week or for that day in the trade.

(2) Any in-workers' or out-workers' general minimum piece-rates fixed under this section shall, as respects operations in the trade to which they are applicable, have

Digitized by Google

the exclusion of the piece-work basis time-rate.

eral
visions
o fixing,
of
imum
s by
le
rds.

7.—(1) Any minimum rates for the purposes of this Act may, subject to the foregoing provisions thereof, be fixed either so as to apply generally to the trade, or so as to apply to any special process in the work of the trade or to any special area, or to any class of workers in the trade, or to any class of workers in any special process or in any special area.

(2) Where a Trade Board fix a minimum rate so as to apply to any class of workers in a trade they may, if they think it expedient to do so, attach to the fixing of the minimum rate the following conditions, that is to say—

(*a*) a condition that workers who are members of the class must be the holders of certificates to that effect issued by the Trade Board, and

(*b*) if the class consists of persons who are learning the trade, such conditions as the Trade Board think necessary for securing the effective instruction of those persons in the trade.

If any condition so attached is not complied with in the case of any worker he shall be deemed not to be a member of the class, and, where a condition with respect to the holding of a certificate is so attached, the Trade Board shall issue a certificate to a person applying therefor on production of evidence to their satisfaction that the applicant is a member of the class.

(3) A Trade Board may, if they think it expedient, cancel or vary any minimum rate fixed under this Act, and shall reconsider any such minimum rate if the Ministry directs them to do so, whether an application is made for the purpose or not.

(4) The power of a Trade Board to fix a minimum rate of wages shall include the power to fix a series of minimum rates to come into operation successively on the expiration of specified periods, and the power to vary a minimum rate shall include a power so to vary that rate that the variation shall be operative only during a specified period.

ce of
objec-
to
g
ellation
riation
inimum
.

8. Before fixing, cancelling or varying any minimum rate of wages, the Trade Board shall give notice of the rate which they propose to fix, or of their proposal to cancel the rate, or of the proposed variation in the rate, as the

Digitized by Google

proposal if such objections are lodged with them within the following periods, that is to say :—

(*a*) in the case of a proposal to fix a rate, within one month from the date of the notice, and

(*b*) in the case of a proposal to cancel or vary a rate, within fourteen days from the date of the notice.

Provisions as to orders for confirming minimum rate or cancellation or variation of rate.

9.—(1) Where a Trade Board have fixed any minimum rate of wages, or have cancelled or varied any such rate, they shall forthwith send notification thereof to the Ministry, and the notification may include a statement as to the date as from which the Board suggest that the rate, or the cancellation or variation, should become effective.

(2) The Ministry, on receipt of a notification under this section with respect to any matter, shall forthwith take the matter into consideration and shall, unless it thinks it necessary to refer the matter back to the Trade Board for reconsideration, make an order confirming the rate, or the cancellation or variation, as the case may be. If the Ministry thinks it necessary to refer the matter back to the Trade Board, it shall do so within fourteen days.

In any case where an order is to be made by the Ministry under the foregoing provision the Ministry shall, unless, in its opinion, the special circumstances of the case make it necessary or desirable to postpone the making of the order, make the order within fourteen days from the date on which the notification from the Trade Board is received.

(3) The Ministry shall, as soon as may be after it has made an order under this section, send notification thereof to the Trade Board concerned, and the Trade Board shall, as soon as may be after receiving the notification, give notice of the making of the order and the contents thereof.

(4) Any such minimum rate as aforesaid, or the cancellation or variation of any such rate, shall become effective as from the date specified in that behalf in the order by which it is confirmed.

The date to be so specified shall be a date subsequent to the date of the order, and where, as respects any employer who pays wages at intervals not exceeding seven days, the date so specified does not correspond with the

Digitized by Google

ginning of the next such period following the date specified in the order.

its
pting
oyment;
the
ision
e Act.

10. If a Trade Board are satisfied that any worker employed or desiring to be employed in any branch of a trade, to which a general minimum time-rate or a time-work overtime rate is applicable, is by reason of any infirmity, physical injury, age or other disability, rendered incapable of earning that minimum rate and, where the worker is not already employed on piece-work, are of opinion that the case cannot suitably be met by employing the worker on piece-work, the Trade Board may, if they think fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this Act relating to the payment of wages at less than the minimum rate, and while the permit is in force the employer shall not be liable to a penalty for paying wages to the worker at a rate less than the minimum rate so long as the conditions prescribed by the Trade Board on the grant of the permit are complied with:

Provided that a permit granted under this section may be so granted as to have effect as from the date upon which application therefor was made to the Trade Board. A permit may be suspended or revoked at any time by the Trade Board.

oyers
o
ve
iums
e mini-
rates
ce.

11.—(1) Where a worker in any trade, being a person to whom a minimum rate of wages fixed by a Trade Board applies, is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account, any payment by way of premium:

Provided that nothing in the foregoing provision shall apply to any such payment duly made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of the employment.

(2) If any employer acts in contravention of this provision, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and the court may by the conviction, in addition to imposing a fine, adjudge him to repay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

Digitized by Google

the wages payable in the case of a worker employed on any work for which a minimum rate of wages has been fixed under this Act, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform, and, in the case of a worker employed on piece-work, shall be deemed during any time during which he was so present and was not doing piece-work to have been employed at the general minimum time-rate applicable to workers of the class to which he belongs:

Worker waiting for work on employer's premises to be deemed to be employed.

Provided that—

(*a*) where a worker resides on the premises of the employer, he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident; and

(*b*) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with the work.

13. Any shopkeeper, dealer or trader, who by way of trade makes any arrangement express or implied with any worker in pursuance of which the worker performs, or the substance of which is the performance by the worker of any work for which a minimum rate of wages has been fixed under this Act, shall be deemed for the purposes of this Act to be the employer of the worker, and the net remuneration obtainable by the worker in respect of the work, after allowing for his necessary expenditure in connection with the work, shall be deemed to be wages.

Prevention of evasion.

14. Any worker or any person authorised by a worker may complain to the Trade Board that the wages paid to the worker by any employer in any case to which any minimum rate fixed by the Trade Board is applicable are at a rate less than the minimum rate, and the Trade Board shall consider the matter and may, if they think fit, take any proceedings under this Act on behalf of the worker.

Consideration by Trade Board of complaints as to infraction of minimum rates.

Digitized by Google

alties for paying es in ordance n minimum rate.

by a Trade Board has become effective, an employer shall, in cases to which the minimum rate is applicable, pay wages to the person employed at not less than the minimum rate clear of all deductions, and, if he fails to do so, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

In the foregoing provision, the expression "deductions" includes deductions for or in respect of any matter whatsoever (other than deductions under the Acts relating to national health insurance or unemployment insurance, or deductions authorised by any Act to be made from wages in respect of contributions to any superannuation or other provident fund), and notwithstanding that they are deductions which may lawfully be made from wages under the provisions of the Truck Acts 1831 to 1896; and where any payment, being a payment authorised to be received by an employer under section one, section two, or section three of the Truck Act, 1896, is made by any employed person to his employer, the employer shall, for the purposes of the foregoing provision, be deemed to have deducted that amount from wages.

2 Will. 37. 51 Vict. 60 Vict.

(2) An employer shall, in cases where in-workers are employed on piece-work and a piece-work basis time-rate but no general minimum piece-rate has been fixed, be deemed to pay wages at less than the minimum rate, unless he shows that the piece-rate of wages paid would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece-work basis time-rate.

(3) An employer shall, in cases where out-workers are employed on piece-work and a piece-work basis time-rate but no general minimum piece-rate has been fixed, be deemed to pay wages at less than the minimum rate, unless he shows that the piece-rate of wages paid would yield, in the circumstances of the case, to an ordinary worker, if performing the work on the employer's premises, at least the same amount of money as the piece-work basis time-rate.

(4) An employer shall, in any case where a learner or other juvenile worker is employed on piece-work during the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has received, in respect of

Digitized by Google

period, at least the same amount of money as such worker would have been entitled to receive if employed on time work.

An employer shall, in any case where any such worker is so employed at any time subsequent to the first six months of his employment in the trade, be deemed to pay wages at less than the minimum rate unless he shows that such worker has, in respect of his employment on piece-work, been paid at piece-rates which would comply with the provisions of this Act if paid to a worker (not being a juvenile worker) employed on the same piece-work operations.

(5) Where an offence, for which an employer is under this Act liable to a fine, has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of, the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

(6) Where an employer is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any agent or other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court—

(*a*) that he has used due diligence to enforce the execution of this Act; and

(*b*) that the said agent or other person had committed the offence in question without his knowledge, consent or connivance,

that agent or other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine or punishment in respect of the offence, without prejudice, however, to the power of the court under this section to adjudge him to pay any sum which appears to the court to be due to the person employed on account of wages. The agent or other person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(7) Where the immediate employer of any worker to whom a minimum rate of wages applies is himself in the

Digitized by Google

employed on the premises and for the purposes of the trade of that other person, that other person shall, for the purposes of the provisions of this Act relating to the penalty for not paying wages in accordance with the minimum rate, be deemed to be the employer of the worker jointly with the immediate employer.

(8) On the conviction of an employer under this section for failing to pay wages at not less than the minimum rate to a person employed, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate; but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

(9) On any prosecution of a person for failing to pay wages at not less than the minimum rate, it shall lie on that person to prove that he has not paid wages at less than the minimum rate.

(10) Any agreement for the payment of wages in contravention of this Act shall be void.

(11) It shall be the duty of every employer in a trade to which a minimum rate is applicable, to keep such records of time worked and of wages paid as are necessary to show that the provisions of this Act are being complied with as respects all persons in his employment, and if he fails to do so he shall be liable on summary conviction in respect of each offence to a fine not exceeding two pounds, and also to a fine not exceeding one pound for every day during which the default continues after conviction.

overy of
is due to
kers.

16.—(1) Where an employer has been convicted under this Act for failing to pay wages at not less than the minimum rate to any worker, then, if notice of intention so to do has been served with the summons, warrant, or complaint, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum rate to that worker at any time during the two years immediately preceding the date on which the information was laid or the complaint was served, and on proof of the failure the court may order the employer to pay such sum as in the opinion of the court represents

Digitized by Google

paid to the worker by way of wages during those years and the amount actually so paid.

(2) Where it appears to a Trade Board, or to any officer appointed under this Act, that any sum is due by an employer to a worker by reason of the fact that wages have been paid to that worker at less than the minimum rate applicable, and that it is not possible to recover the sum so appearing to be due, or some part of that sum, by means of a prosecution under this Act, the Trade Board, or that officer, if he is authorised in that behalf by special or general directions of the Ministry, may, if it appears expedient so to do by reason of the refusal or neglect of the worker to take the necessary proceedings, institute, on behalf of and in the name of the worker, civil proceedings before any court of competent jurisdiction for the recovery of the said sum:

Provided that the court before which any such civil proceedings are instituted by a Trade Board, or by any such officer as aforesaid, shall have the same power to make an order for the payment of costs by that Board or officer as if that Board or officer were a party to the proceedings.

CONSTITUTION, PROCEEDINGS, &c., OF TRADE BOARDS.

Constitution and proceedings of Trade Boards.

17.—(1) The Ministry may make regulations with respect to the constitution of Trade Boards, each of which shall consist of members representing employers and members representing workers (in this Act referred to as "representative members") in equal proportions, and of an independent person (hereinafter referred to as "the appointed member") appointed by the Ministry. Any such regulations may be made so as to apply generally to the constitution of all Trade Boards, or specially to the constitution of any particular Trade Board or any particular class of Trade Boards.

(2) The representative members shall be elected or nominated, or partly elected and partly nominated, as may be provided by the regulations, and in framing the regulations the representation of out-workers on Trade Boards shall be provided for in all trades in which a considerable proportion of out-workers is engaged.

(3) The appointed member shall serve on the Trade Board or a committee thereof, or on a District Trade Committee, according as the Ministry may direct.

Digitized by Google

be chairman thereof, and the Secretary of the Trade Board shall be a person appointed by the Ministry.

(5) The proceedings of a Trade Board or a committee thereof, or of a District Trade Committee established as hereinafter provided, shall not be invalidated by any vacancy in their number, or by any defect in the appointment, election or nomination of any member.

(6) In order to constitute a meeting of a Trade Board, the appointed member and at least one-third of the whole number of the representative members must be present.

(7) If, at any meeting of a Trade Board, more than one-half of the members present representing the employers, and more than one-half of the members present representing the workers so request, the votes of the representative members shall be taken by sides, and in such a case the vote of the majority of members of each side present and voting shall be the vote of that side.

(8) A Trade Board, may, if they think fit, appoint a committee consisting of representatives of employers and representatives of workers, in equal numbers, being members of the Board, as the Board may choose in order to deal in the first instance with any matters as to which the Board has powers or duties, and to report to the Board regarding such matters:

Provided that, as regards the fixing of minimum rates of wages, the powers of any such committee shall be advisory only.

(9) The Ministry may make regulations with respect to the proceedings and meetings of Trade Boards, but, subject to the provisions of this Act and to any regulations so made, Trade Boards may regulate their proceedings in such manner as they think fit.

ablish-
nt of
trict
de
mmittees.

18.—(1) The Ministry, if representations have been made to it by employers or workers in any trade for which a Trade Board has been established that the establishment of a district committee is necessary or desirable for that trade, may after consultation with the Trade Board establish a District Trade Committee, consisting partly of members of the Trade Board and partly of persons not being members of the Trade Board but representing employers or workers engaged in the trade, and constituted in accordance with regulations of the Ministry, and acting for such area as the Ministry may determine.

Digitized by Google

equal representation of local employers and local workers on the District Trade Committee, and for the representation of out-workers in the case of any trade in which a considerable proportion of out-workers is engaged in the district, and also for the appointment, if the District Trade Committee so think fit, of sub-committees.

Provision may also be made by the regulations with respect to the meetings and proceedings of a District Trade Committee.

(2) A Trade Board may refer to a District Trade Committee, for their report and recommendations, any matter which they think it expedient so to refer, and may also, if they think fit, delegate to a District Trade Committee, or any sub-committee thereof, any of their powers and duties under this Act, other than the fixing, cancellation or variation of minimum rates of wages.

(3) Where a District Trade Committee has been established for any area, it shall be the duty of that Committee to recommend to the Trade Board general minimum time-rates and piece-work basis time-rates, and, so far as they think fit, general minimum piece-rates and general overtime rates applicable to the trade in that area, and no such minimum rate of wages fixed under this Act, and no variation or cancellation of such a rate shall have effect within that area, unless either the rate or the variation or cancellation thereof, as the case may be, has been recommended by the District Trade Committee, or an opportunity has been given to the Committee to report thereon to the Trade Board, and the Trade Board have considered the report (if any) made by the Committee.

Appointment of Officers and Enforcement of Act.

Appointment of officers

19. The Ministry may appoint such officers as it thinks necessary for the purpose of investigating any complaints and otherwise securing the proper observance of this Act. Any officers so appointed shall act under the directions of the Ministry, or if the Ministry so determine, under the directions of any Trade Board, and any such officers may be appointed for the purpose of making such special investigations as may be required from time to time, as regards matters arising under this Act.

Powers of officers

20.—(1) Any officer appointed by the Ministry under this Act shall have power, for the performance of his duties—

Digitized by Google

wages sheets or other records of time worked or of wages paid and records of payments made to out-workers by persons giving out work, and to inspect and examine the same and copy any material part thereof;

(*b*) to require any person giving out work and any out-worker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, respectively, and with respect to the payments made or to be made for the work;

(*c*) at all reasonable times to enter any premises or place which he has reasonable cause to believe to be used for carrying on work within the jurisdiction of a Trade Board and to be occupied by an employer or worker within that jurisdiction, or any place used for giving out work to out-workers;

(*d*) to inspect and copy any material part of any list of out-workers kept by an employer or person giving out work to out-workers; and

(*e*) to examine, either alone or in presence of any other person, as he thinks fit, with respect to any matters under this Act, any person whom he finds in any such place as aforesaid, or whom he has reasonable cause to believe to be or to have been a worker in any trade within the jurisdiction of a Trade Board, and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined.

(2) If any person fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under this section, or if any person hinders or molests any officer in the exercise of the powers given by this section, or refuses to produce any document or give any information which any officer is entitled to require him to produce or give under the powers given by this section, that person shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

If any person makes or causes to be made or knowingly allows to be made any wages sheet, record of time

Digitized by Google

any material particular, or produces or causes to be produced, or knowingly allows to be produced, any such sheet, record or list to any officer acting in exercise of the powers given by this section, knowing the same to be false, or furnishes any information to any such officer knowing the same to be false, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months.

(3) Any statement made by a person in answer to a question put to him on an examination under this section shall not, except in the case of any criminal proceeding for perjury, be admissible in evidence against him in any proceeding, civil or criminal.

Officers to produce certificates when required.

21. Every officer appointed by the Ministry under this Act shall be furnished by the Ministry with a certificate of his appointment, and when acting under or exercising any power conferred on him by this Act shall, if so required, produce the said certificate to any person or persons affected.

Power to take and conduct proceedings.

22.—(1) Any officer appointed by the Ministry under this Act shall have power in pursuance of any special or general directions of the Ministry to take proceedings under this Act, and a Trade Board may also take any such proceedings in the name of any officer appointed by the Ministry and for the time being acting under the directions of the Trade Board in pursuance of this Act, or in the name of their secretary or any of their officers authorised by them.

(2) Any officer appointed by the Ministry under this Act, or the secretary of a Trade Board, or any officer of a Trade Board authorised for the purpose, may, although not a barrister-at-law or solicitor, prosecute or conduct before a court of summary jurisdiction any proceedings arising under this Act.

Provisions as to legal proceedings.

23. The following provisions shall have effect with respect to summary proceedings under this Act, namely :

(1) All offences under this Act shall be prosecuted, and all fines thereunder shall be recovered, in manner provided by the Summary Jurisdiction Acts ;

Digitized by Google

matter arising under this Act, shall be constituted of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, and any enactment amending the same, sitting alone or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions;

7 Will. 13.

(3) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence alleged to be committed against this Act, the employer or the father, mother, son, daughter, brother or sister of the employer, or other person charged, shall not be qualified to act as a member of the court;

(4) A person engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act, shall not act as a justice of the peace in hearing and determining the charge;

(5) Any person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in the manner provided by the Summary Jurisdiction Acts;

(6) Any summons or document, required or authorised to be served for the purpose of any summary proceedings under this Act, may be served by post or by delivering the same to, or at the residence of, the person on whom it is to be served, or by delivering the same or a true copy thereof to his agent;

15 Vict.

(7) All fines imposed under this Act shall be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same.

Supplemental.

ulations
o mode
iving
ce.

24.—(1) The Ministry shall make regulations as to the notice to be given of any matter under this Act, with a view to bringing the matter of which notice is to be given, so far as practicable, to the knowledge of persons affected.

(2) Every occupier of any premises or place used for carrying on work within the jurisdiction of a Trade Board and occupied by an employer or worker within such jurisdiction, or of any place used for giving out work to outworkers, shall, in the manner directed by regulations

Digitized by Google

notices as may be required by the regulations, and shall give notice in any other manner, if required by the regulations, to the persons employed by him of any matter of which he is required to give notice under the regulations.

If any such occupier fails to comply with this provision, he shall be liable on summary conviction in respect of each offence to a fine not exceeding forty shillings.

Regulations to be laid before Parliament.

25. Regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to the Governor of Northern Ireland by either of those Houses within ten days on which that House has sat next after any such regulations are laid before it, praying that the regulations may be annulled, the said Governor may thereupon by Order in Council annul the same, and the regulations so annulled shall forthwith become void, but without prejudice to the validity of anything done in the meantime thereunder or to the making of any new regulations. If one or more of a set of regulations are annulled the Ministry may, if it thinks fit, withdraw the whole set.

Expenses of carrying Act into effect.

26. There shall be paid out of moneys provided by Parliament—

(1) Any expenses, up to an amount sanctioned by the Ministry of Finance for Northern Ireland, which may be incurred with the authority or sanction of the Ministry by Trade Boards or their committees in carrying into effect this Act; and

(2) To appointed members and secretaries of Trade Boards and to officers appointed by the Ministry under this Act such remuneration and expenses as may be sanctioned by the said Ministry of Finance; and

(3) To representative members of Trade Boards and members (other than appointed members) of District Trade Committees any expenses (including compensation for loss of time), up to an amount sanctioned by the said Ministry of Finance, which may be incurred by them in the performance of their duties as such members; and

(4) Any expenses, up to an amount sanctioned by the said Ministry of Finance, which may be incurred by the Ministry in making inquiries, or procuring information, or taking any preliminary steps in connection with the application or operation of this Act as respects any trade, including the expenses of obtaining a provisional order

Digitized by Google

made under or in pursuance of the provisions of this Act.

Repeal.

27. The Trade Boards Acts, 1909 and 1918, to the extent to which they are in force in Northern Ireland, are hereby repealed :

Provided that—

(*a*) nothing in this repeal shall affect any minimum rates fixed under the said Acts, so far as any such rate relates to a trade to which this Act applies, but, subject to the provisions of this Act and to cancellation or variation thereunder, any such rate shall continue in force and, so far as it could have been fixed under this Act, shall have effect as if so fixed ;

(*b*) where notice of a proposal to fix, cancel, or vary a minimum rate was duly given before the commencement of this Act by a Trade Board constituted for any trade specified in the Schedule to this Act, and the Trade Board have not, before such commencement, proceeded to fix, cancel or vary the rate, the notice shall have effect as if this Act had been in force on the date on which the notice was given, and as if the notice had been given thereunder, except that objections may be lodged with the Board for a period of two months from the date of the notice ;

(*c*) any order or regulation made or issued by the Ministry or the Minister of Labour of the United Kingdom under the said Acts and in force in Northern Ireland immediately before the commencement of this Act shall, so far as it could have been made or issued under this Act, continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under this Act ;

(*d*) nothing in this repeal shall affect any Trade Board or District Trade Committee existing under the said Acts immediately before the commencement of this Act, but any such Board or Committee shall continue as if established or constituted under this Act, and subject to the powers of the Ministry thereunder in relation to such constitution or establishment.

Digitized by Google

SCHEDULE.

Sections 1 (1) (4), 27

Trades to which the Act applies without Provisional Order.

Name of Trade.	Authority for application of Act to Trade.
1. Aerated Waters Trade.	Trade Boards (Aerated Waters) Order, 1919.
2. Boot and Shoe Repairing Trade.	Trade Boards (Boot and Shoe Repairing) Order, 1919.
3. Brush and Broom Trade.	Trade Boards (Brush and Broom) Order, 1919.
4. Dressmaking and Women's Light Clothing Trade.	Trade Boards (Women's Clothing) Order, 1919, as amended by the Trade Boards (Shirtmaking) Order, 1920.
5. General Waste Materials Reclamation Trade.	Trade Boards (Waste Materials Reclamation) Order, 1920.
6. Hat, Cap and Millinery Trade.	Trade Boards (Hat, Cap and Millinery) Order, 1919.
7. Laundry Trade.	Trade Boards (Laundry) Order, 1919, as amended by :— (*a*) Trade Boards (Women's Clothing) Order, 1919. (*b*) Trade Boards (Shirtmaking) Order, 1920, and (*c*) Trade Boards (Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods) Order, 1920.
8. Linen and Cotton Embroidery Trade.	Trade Boards (Linen and Cotton Embroidery) Order, 1913, (confirmed by 3 & 4 Geo. 5, c. clxii), as amended by :— (*a*) Trade Boards (Women's Clothing) Order, 1919, and (*b*) Trade Boards (Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods) Order, 1920.
9. Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods Trade.	Trade Boards (Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods) Order, 1920.
10. Milk Distributive Trade.	Trade Boards (Milk Distributive) Order 1920.
11. Paper Box Trade.	Trade Boards Act, 1909. (Schedule).

Digitized by Google

	Trade.
12. Readymade and Wholesale Bespoke Tailoring Trade.	Trade Boards Act, 1909, (Schedule), as amended by the Trade Boards (Tailoring) Order, 1919.
13. Retail Bespoke Tailoring Trade.	Trade Boards Act, 1909, (Schedule), as amended by the Trade Boards (Tailoring) Order, 1919.
14. Rope, Twine and Net Trade.	Trade Boards (Rope, Twine and Net) Order, 1919, as amended by the Trade Boards (Made-up Textiles) Order, 1920.
15. Shirtmaking Trade.	Trade Boards (Shirtmaking) Order, 1913 (confirmed by 3 & 4 Geo. 5, c. clxii.), as amended by :— (*a*) Trade Boards (Hat, Cap and Millinery) Order, 1919, and (*b*) Trade Boards (Shirtmaking) Order, 1920.
16. Sugar Confectionery and Food Preserving Trade.	Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913 (confirmed by 3 & 4 Geo. 5, c. clxii.), as amended by the Trade Boards (Grocery and Provisions) Order, 1920.
17. Tobacco Trade.	Trade Boards (Tobacco) Order, 1919.
18. Wholesale Mantle and Costume Trade.	Trade Boards (Women's Clothing) Order, 1919, as amended by the Trade Boards (Shirtmaking) Order, 1920.

CHAPTER 33.

An Act to amend the Workmen's Compensation Act, 1906, and the Acts amending that Act, and to amend the law with respect to employers' liability insurance, the notification of accidents, first aid, and ambulance. [27th November, 1923.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of Benefits under Principal Act.

Digitized by Google

1. The Workmen's Compensation (War Addition) Acts, 1917 and 1919, shall cease to have effect after the thirty-first day of December, nineteen hundred and twenty-three, and are hereby repealed: Repeal of War Addition Acts.

Provided that the addition provided for in the said Acts shall continue to apply to a weekly payment payable to a workman under the Workmen's Compensation Act, 1906 hereinafter referred to as "the principal Act"), or under any enactment superseded by that Act, in respect of total incapacity arising from an accident which occurred on or before the said thirty-first day of December so long as the workman remains totally incapacitated, and the addition shall for all purposes be treated as if it were part of the weekly payment. 6 Edw. 7c. 58.

2. Where a workman leaves a widow or other member of his family (not being a child under the age of fifteen) wholly or partially dependent upon his earnings, and, in addition, leaves one or more children under the age of fifteen so dependent, then— Increase of amount payable on death of workman leaving children.

(*a*) if both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings, there shall, in respect of each such child, be added to and dealt with as part of the compensation payable under paragraph (1) (*a*) of the First Schedule to the principal Act, a sum equal to fifteen per cent. of the amount arrived at by multiplying the average weekly earnings of the workman, or where such earnings are less than one pound, then by multiplying one pound, or where such earnings exceed two pounds then by multiplying two pounds, by the number of weeks in the period between the death of the workman and the date when the child will attain the age of fifteen, fractions of a week being disregarded; and

(*b*) if the widow or other member of the workman's family or such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, there shall be paid as part of the compensation under the said paragraph such proportion of the sum which would have been payable under the foregoing paragraph of this section if all such persons had been wholly

Digitized by Google

of agreement as may, taking into consideration the amount payable under the principal Act, be determined by arbitration under the principal Act to be reasonable :

Provided that the total amount of compensation payable to the dependants shall in no case exceed six hundred pounds.

Increase of minimum amount of compensation in fatal cases.

3. Paragraph (1) of the First Schedule to the principal Act shall have effect as if for the words "one "hundred and fifty pounds" there were substituted the words "two hundred pounds."

Variation of amount of weekly payment.

4.—(1) In paragraph (1) (*b*) of the First Schedule to the principal Act, thirty shillings shall be substituted for one pound as the maximum amount of the weekly payment.

(2) Where the maximum weekly payment payable under the principal Act, as amended by the foregoing sub-section, to a workman who is totally incapacitated is less than twenty-five shillings, the workman shall be entitled during such incapacity to a weekly addition equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall for all the purposes of the principal Act be treated as if it were part of the weekly payment.

(3) In the case of partial incapacity, the weekly payment shall, subject to the provisions of paragraph (3) of the said Schedule, be of the following amount :—

(*a*) if the maximum weekly payment, had the incapacity been total incapacity, would have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident ;

(*b*) it the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by

Digitized by Google

five shillings, the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident.

(4) Proviso (*b*) to paragraph (1) of the said Schedule, which relates to the amount of the weekly payment in the case of a workman who is under twenty-one years of age at the date of the injury, shall cease to have effect.

Waiting Period.

5. Compensation shall be payable under the principal Act if the injury disables the workman for more than three days from earning full wages at the work at which he was employed, but shall not be payable in respect of the first three days on which he is so disabled unless the incapacity last for four weeks or upwards.

Provision with respe to certifie schemes.

6.—(1) If it appears to the officer appointed by the Government of Northern Ireland to perform in Northern Ireland the functions of registrar of friendly societies (in this Act referred to as " the Registrar of Friendly Societies ") that any scheme duly certified by him (or, if certified prior to the transfer of those functions to him, by the registrar of friendly societies then performing those functions) under sub-section (1) of section three of the principal Act no longer complies with the requirements of that section by reason of the foregoing provisions of this Act, he shall make such amendments of the scales of compensation provided by the scheme as may in his opinion be necessary to render them not less favourable to the workmen and their dependants than the corresponding scales contained in the principal Act as amended by this Act.

(2) Where the Registrar of Friendly Societies has amended scales of compensation provided by any such scheme as aforesaid, the scheme shall have effect as if when originally made it had provided for the substitution, as from the date of the commencement of this Act, of the amended scales for the scales originally contained therein, and the amended scales shall continue to apply until the expiry of the certificate in force at the commencement of this Act or ot any renewal thereof given under the principal Act.

Digitized by Google

Inclusion of certain accidents arising outside scope of employment.

7. For the purposes of the principal Act, an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

EXTENSION OF PRINCIPAL ACT.

Extension of principal Act to certain share fishermen.

8. Section seven of the principal Act shall have effect as if for sub-section (2) thereof the following sub-section were substituted :—

" (2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or mainly by shares in the profits or gross earnings of the working of such vessel, except in such cases and subject to such modifications as the Ministry of Labour for Northern Ireland (in this Act referred to as " the Ministry of Labour ") may by order provide :

" Provided that no such order shall come into force until it has been laid before each House of Parliament for a period of not less than ten days during which the House has sat, and if either House before the expiration of those ten days presents an Address to the Governor of Northern Ireland against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order."

Extension of definition of workman.

9.—(1) The definition of " workman " in section thirteen of the principal Act shall have effect as if for the words " two hundred and fifty pounds" there were inserted the words " three hundred and fifty pounds."

(2) For the purposes of the principal Act the expression " workman " shall include—

(*a*) a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment other than a hire purchase agreement, in consideration of the payment of a fixed sum

Digitized by Google

vehicle or vessel shall for the purposes of the principal Act be deemed to be the employer;

(*b*) a person whose employment is of a casual nature, and who is employed otherwise than for the purposes of his employer's trade or business, if employed for the purposes of any game or recreation, and engaged or paid through a club, and in such case the manager or members of the managing committee of the club shall for the purposes of the principal Act be deemed to be the employer;

(*c*) any person, not being a master seaman or apprentice to the sea service or the sea fishing service, employed on board any such ship as is mentioned in section seven of the principal Act, if so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he otherwise complies with the provisions of the principal Act defining workmen.

AMENDMENTS AS TO PROCEDURE UNDER PRINCIPAL ACT.

Provision to notice of accide

10.—(1) There shall be kept constantly posted up at or near every mine, quarry, factory or workshop in some conspicuous place where it may be conveniently read by the persons employed, a summary, in such form as may be prescribed, of the requirements of the principal Act, as amended by this Act, with regard to the giving of notices of accidents and the making of claims and the procedure to be followed in the case of industrial diseases; and in the event of such summary becoming effaced, obliterated or destroyed it shall be renewed with all reasonable dispatch.

In the event of any non-compliance with the provisions of this sub-section the owner, agent or manager of the mine or quarry or the occupier of the factory or workshop shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and any such proceedings may be instituted by an inspector of mines or factories.

(2) The want of, or any defect or inaccuracy in, the notice of an accident required by section two of the

Digitized by Google

principal Act if the employer is proved to have had knowledge of the accident from any source at or about the time of the accident, or, where the employer is the owner of a mine or quarry or the occupier of a factory or workshop,—

(*a*) if such summary as aforesaid has not been posted up in accordance with the provisions of this section ;

(*b*) if the accident has been reported by or on behalf of the employer to an inspector of mines or factories ;

(*c*) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop ;

(*d*) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop.

(3) Notice of an accident for the purpose of section two of the principal Act may be given either in writing or orally to the employer or to any foreman or other official under whose supervision the workman is employed or to any person designated for the purpose by the employer.

(4) For facilitating the giving of notices of accidents for the purposes of section two of the principal Act a book in the prescribed form shall be kept at every mine, quarry, factory or workshop, in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable after the happening of the accident, shall be sufficient notice of the accident for the purposes of the said section.

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman who was employed at the mine, quarry, factory or workshop, and any person bonâ fide acting on his behalf.

If in the case of any mine, quarry, factory or workshop the provisions of this sub-section are not complied with, the mine, quarry, factory or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto.

Digitized by Google

an accident in a case where the necessity of giving such a notice is dispensed with shall not deprive the employer of his right under paragraph (4) of the First Schedule to the principal Act to require the injured workman to submit himself to medical examination.

(6) For the purposes of this section the expression "factory or workshop" shall include any works or premises to which any of the provisions of the Factory and Workshop Acts, 1901 to 1920, apply; and the expression "prescribed" means prescribed by the Ministry of Labour.

Provision as to medical referees.

11.—(1) The power of the registrar of a county court, under paragraph (15) of the First Schedule to the principal Act, to refer a matter to a medical referee may be exercised on the application of one of the parties as well as on the application of both parties, subject however to appeal to the judge, and, where the application is made by only one of the parties, the registrar, or on appeal the judge, if he is of opinion that, owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference.

(2) Where a matter is referred to a medical referee under paragraph (*f*) of sub-section (1) of section eight of the principal Act, the medical referee when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by the medical referee, and such certificate by the medical referee shall be conclusive.

(3) For paragraph (5) of the Second Schedule to the principal Act the following paragraph shall be substituted:—

"(5) A judge of county courts may in any case, if he thinks fit, and shall if any party in accordance with rules of court so requires and gives security for the payment of the prescribed fee, summon a medical referee to sit with him as assessor.

If a medical referee is so summoned on the application of any party, that party shall, notwithstanding anything in section ten of the principal Act, but subject to any directions as to costs, be liable to pay in respect of the attendance of the medical referee such fee as may be prescribed by the Ministry of Labour."

Digitized by Google

Additional powers of county courts with respect to registration of lump sum agreements.

the payment of a lump sum is under the principal Act sent for registration, the registrar, and, if in pursuance of the principal Act or this Act the matter is referred to the judge, the judge of the county court shall have power in accordance with rules of court,—

(*a*) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance of any of the parties to the agreement before him ;

(*b*) when the information as to the workman's condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee ;

In the event of either of the parties failing to comply with any requirement of the registrar under this sub-section, the registrar may refuse to record the memorandum and may refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just.

(2) Where it appears from any such report of a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the registrar or, on appeal, the judge may refuse to record the memorandum.

(3) Any such agreement shall disclose the amount, if any, paid or payable under or in respect of the agreement by the employer to the solicitor of the workman or his dependants as costs, and, if it appears to the registrar that the amount is excessive, the registrar may direct that the bill of costs be submitted to him for taxation and thereupon the registrar shall, subject to review by the judge, tax such costs in accordance with rules of court, and if the costs are reduced on such taxation, the amount of such reduction shall either be applied and dealt with for the benefit of the workman or his dependants or paid to the employer or otherwise dealt with as the judge may direct.

(4) The approved society or committee by which sickness or disablement benefit under the National Insurance Act, 1911, and the Acts amending that Act, payable to the workman is administered, shall be entitled to send to the registrar objections to the registration of any such agreement as aforesaid, and, in the event of the

Digitized by Google

required, shall be entitled to appear before the registrar, or, if the matter is referred to the judge, before the judge.

(5) Rules of court may be made providing that, in any case where in connection with an application for the registration of any such agreement as aforesaid there is a hearing before the registrar or the judge, or a report from the medical referee is required to be obtained, the registrar or judge shall have the power of awarding costs.

Power to make agreements as to compensation to workmen disabled by industrial disease.

13. Where a workman claims to be suffering from and disabled by a disease to which the provisions of section eight of the principal Act apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the certificate of the certifying surgeon mentioned in the said section, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by paragraph (9) of the Second Schedule to the principal Act and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury by accident.

Miscellaneous Amendments of Principal Act.

Restriction on ending or diminishing weekly payments.

14. An employer shall not be entitled otherwise than in pursuance of agreement or arbitration to end or diminish a weekly payment under the principal Act except in the following cases:—

(*a*) where a workman in receipt of a weekly payment in respect of total incapacity has actually returned to work;

(*b*) where the weekly earnings of a workman in receipt of a weekly payment in respect of partial incapacity have actually been increased;

(*c*) where the medical practitioner who has examined the workman under paragraph (14) of the First Schedule to the principal Act has certified that the workman has wholly or partially recovered, or that the incapacity is no longer due in whole or in part to the accident, and a copy of

Digitized by Google

of the opinion of the medical practitioner) together with notice of the intention of the employer at the expiration of ten clear days from the date of the service of the notice to end the weekly payment, or to diminish it by such amount as is stated in the notice, has been served by the employer upon the workman:

Provided that—

(i) in the last-mentioned case, if before the expiration of the ten clear days the workman sends to the employer the report of a duly qualified medical practitioner (which report shall set out the grounds of his opinion) disagreeing with the certificate so served by the employer, the weekly payment shal not be ended or diminished, except in accordance with such report, or if and so far as the employer disputes such report, except in accordance with the certificate given by a medical referee in pursuance of paragraph (15) of the said Schedule as amended by this Act; and

(ii) where an application has been made in pursuance of the said paragraph (15) as so amended to refer the dispute to a medical referee, it shall be lawful for the employer, pending the settlement of the dispute, to pay into court—

(*a*) where the notice was a notice to end the weekly payment, the whole of each weekly payment becoming payable in the meantime;

(*b*) where the notice was a notice to diminish the weekly payment, so much of each weekly payment so payable as is in dispute;

and the sums so paid into court shall on the settlement of the dispute be paid to the employer or to the workman according to the effect of the certificate of the medical referee, or, if the effect of that certificate is disputed, as in default of agreement may be determined by the registrar or, on appeal, the judge;

(iii) nothing in this section shall be construed as authorising an employer to end or diminish a weekly payment in any case in which, or to an extent to which, apart from this section, he would not be entitled to do so.

Digitized by Google

Power to review weekly payments on fluctuation in rate of remuneration.

15. A weekly payment payable in respect of an injury by an accident happening after the commencement of this Act may, at any time after six months from the date of the accident, be reviewed at the request either of the workman or of the employer, if it is claimed that, had the workman remained uninjured and had continued in the same class of employment as that in which he was employed at the date of the accident, the average weekly earnings of the workman during the twelve months immediately preceding the review would, as a result of fluctuations in rates of remuneration, have been greater or less by more than twenty per cent. than the average weekly earnings of the workman during the twelve months previous to the accident (or, if the weekly payment has been previously varied on a review under this section, during the twelve months previous to that review or the last of such reviews); and, where such a claim as aforesaid is proved, the weekly payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident

Power to order part incapacity be treated total incapacity in certain cas

16. If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the judge of the county court that he has taken all reasonable steps to obtain, and has failed to obtain, such employment, and that his failure to obtain such employment is a consequence, wholly or mainly, of the injury, the judge shall order that his incapacity shall for the purposes of the principal Act continue to be treated as total incapacity for such period, and subject to such conditions, as may be provided by the order, without prejudice however to the right of review conferred by paragraph 16 of the First Schedule to the principal Act :

Provided that every such order shall be made subject to the condition that it shall cease to be in force if the workman receives unemployment benefit.

Amendme of s. 3 of principal Act relatir to certifica tion of schemes.

17. The Registrar of Friendly Societies shall not certify or renew the certificate of any scheme under section three of the principal Act unless he is satisfied that adequate provision is made to secure the discharge of liabilities arising under the scheme, both during the currency of the scheme and after the scheme is revoked

Digitized by Google

standing at the date of revocation or expiry.

mendment s. 1 (4) of incipal ct.

18. For sub-section (4) of section one of the principal Act the following sub-section shall be substituted :—

"(4) If, within the time hereinafter in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed ; but the court in which the action is tried, or, if the determination is the determination on an appeal (by either party) by an appellate tribunal, that tribunal shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this sub-section, when the court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this Act :

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to the county court for the assessment of the compensation, and in such case may order the county court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid."

mendment s. 5 of incipal ct as to nkruptcy employer.

19.—(1) Where either a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture-holders of any property comprised in or subject to the charge, then—

(*a*) if the company has entered into a contract with any insurers in respect of any liability under the principal Act to any workman, the rights of the company against the insurers in respect of that liability shall be transferred to and vest in the workman in like manner as if an order for the winding-up of the company had been made ;

Digitized by Google

amount due in respect of any compensation under the principal Act, the liability wherefor accrued before the date of the appointment of the receiver or of possession being taken as aforesaid (as the case may be) shall be included amongst the debts which under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to all other debts.

8 Edw. 7 c. 69.

(2) The limitation to one hundred pounds in any individual case on the amounts due by way of compensation, which under sub-section (3) of section five of the principal Act are to be included in the debts to be paid in priority to other debts in the case of a bankruptcy (including the case of an arranging debtor) or winding-up, shall cease to have effect.

(3) Accordingly section five of the principal Act shall have effect subject to the amendments mentioned in the First Schedule to this Act.

Registrat of agree- ments co promising disputed claims.

20. Where after the commencement of this Act the person against whom a claim for compensation is made under the principal Act disputes his liability to pay compensation, but makes an agreement whereby in consideration of the payment of a lump sum the claim for such compensation purports to be precluded, the agreement shall be sent for registration in like manner and subject to the like conditions as in the case of an agreement for redemption of the weekly payment by a lump sum, and unless and until the agreement is registered in accordance with those provisions, the agreement shall not, nor shall the payment of any sum payable thereunder, exempt the employer from liability under the principal Act:

Provided that in determining whether or not the lump sum agreed to be paid as aforesaid is adequate, the registrar, or, if the matter is referred to the judge, the judge, shall have regard to the question whether or not liability to pay compensation under the principal Act is doubtful.

Definition partial dependenc

21. For the purposes of the principal Act a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the

Digitized by Google

ordinary necessaries of life suitable for persons in his class and position.

epayment f poor elief.

22. Where an authority has granted out-door relief to a person pending the settlement of his claim to compensation under the principal Act or any scheme certified thereunder, and either—

(*a*) such relief would not have been granted had the person then received or been in receipt of compensation under the principal Act; or

(*b*) such relief is in excess of the amount which would have been granted had the person then received or been in receipt of such compensation;

the authority may give notice of the relief so provided to the person liable to pay the compensation, and if such notice is given the person so liable shall on demand, and on being furnished with a certificate by the authority of the amount of the relief so provided or of the amount of such excess, as the case may be, repay to the authority, up to the amount which he is liable to pay as compensation, less such part (if any) of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount of the relief or of the excess certified as aforesaid, and the receipt of the authority shall, up to the amount of the repayment, be a full and valid discharge to that person in respect of the compensation payable by him to the person relieved:

Provided that, if the person so liable to pay compensation gives to the authority by which such notice as aforesaid is given notice that he intends to pay, or that he has paid, compensation, he shall not be under any obligation to make any repayment in respect of any relief provided after the date of the payment of the compensation or after the time at which the notice so given is received by the authority, whichever is the later.

Minor amendments of principal Act.

23.—(1) Where a dependant dies before a claim under the principal Act is made, or, if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

(2) No deduction shall be made under paragraph (1) (*a*) (i) of the First Schedule to the principal Act, as amended by section two of this Act, in respect of the amount of any weekly payments made under the

Digitized by Google

of the children of the workman under the said section two, nor so as to reduce the amount payable under the principal Act below two hundred pounds.

(3) Paragraph (1) (iii) of the First Schedule to the principal Act shall have effect as if "fifteen pounds" were substituted for "ten pounds."

(4) In paragraph (2) of the First Schedule to the principal Act, after paragraph (*d*) there shall be inserted:

"(*e*) upon request of an injured workman to the employer liable to pay compensation under this Act, such employer shall furnish in writing a list of the earnings of that workman, upon which the amount of average weekly earnings may be "calculated for the purpose of determining the amount of any weekly payment under this Act."

(5) Section six of the principal Act (which relates to remedies both against employer and stranger) and paragraph (19) of the First Schedule to the principal Act (which prohibits a weekly payment, or a sum by way of redemption thereof, being assigned, charged, or attached) shall apply to sums paid or payable by way of compensation under a scheme certified under the principal Act in like manner as they apply to sums paid or payable by way of compensation under the principal Act.

(6) For the proviso to paragraph (16) of the First Schedule to the principal Act the following proviso shall be substituted:—

"Provided that where the workman was at the date of the accident under twenty-one years of age, and the review takes place more than six months after the accident, and before the workman attains the age of twenty-one years, the amount of the weekly payment may be increased to such an amount as would have been awarded if the workman had at the time of the accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured."

(7) The provisions of paragraph (17) of the same Schedule, which fix the amount of the lump sum for which a weekly payment may be redeemed where the incapacity is permanent, shall not apply in the case where the injured workman is, at the date when the application for the redemption is made, under twenty-one years of age; and where in the case of an injured workman under

Digitized by Google

liability to the weekly payment may be redeemed is determined by arbitration under the principal Act, the right which (if the redemption did not take place) the workman would have under the proviso to paragraph (16) of the said Schedule shall be taken into account.

(8) Paragraph (18) of the same Schedule, which provides for the cessation of the weekly payment of a person ceasing to reside in Northern Ireland, shall have effect, as respects changes of residence after the commencement of this Act, as if for Northern Ireland there were substituted "Northern Ireland, Great Britain, the Channel Islands or the Isle of Man."

(9) Proviso (iii) to paragraph (*c*) of sub-section (1) of section eight of the principal Act, which provides for contributions where more employers than one are liable, shall have effect as if at the end thereof there were added the words "or if the amount of compensation is not in dispute, as may be determined by arbitration under this Act."

Provision as to fees.

24.—(1) Where a reference is made to a medical referee under paragraph (15) or paragraph (18) of the First Schedule to the principal Act, as amended by this Act, or where on an application for the registration of a memorandum of agreement a report of a medical referee is required under this Act to be obtained, there shall, notwithstanding anything in section ten of the principal Act, but subject to any directions as to costs, be payable by the applicant for the reference or for the registration of the memorandum such fee in respect of the remuneration and expenses of the medical referee as the Ministry of Labour may prescribe, and provision may be made by rules of court for the payment of such fees through the registrar of the county court. All such references shall be made and reports obtained in accordance with regulations of the Ministry of Labour.

(2) In paragraph (15) of the First Schedule to the principal Act the words "on payment by the applicants of such fee not exceeding one pound as may be prescribed" shall be repealed.

Notification of Accidents; First Aid and Ambulance.

Notification of accidents 6 Edw. 7, c. 53

25.—(1) Section four of the Notice of Accidents Act, 1906, shall have effect as if for sub-section (1) thereof the following sub-section were substituted:—

Digitized by Google

(*a*) causes loss of life to a person employed in the factory or workshop ; or

(*b*) disables any such person for more than three days from earning full wages at the work at which he was employed ;

written notice of the accident, in such form and accompanied by such particulars as the Ministry of Labour may prescribe, shall forthwith be sent to the inspector for the district."

(2) Section one of the Notice of Accidents Act, 1906, so far as it relates to metalliferous mines and quarries, shall have effect as if for the words " and disabled for more than seven days any person employed in or about the mine or quarry from working at his ordinary work," there were substituted the words " and disabled for more than three days any person employed in or about the mine or quarry from earning full wages at the work at which he was employed."

(3) Paragraph (*b*) of sub-section (1) of section eighteen of the Coal Mines Act, 1911, shall have effect as if for the words " and disabled for more than seven days any person employed in or about the mine from working at his ordinary work," there were substituted the words " and disabled for more than three days any person employed in or about the mine from earning full wages at the work at which he was employed." 1 & 2 G c. 50.

(4) This section shall be construed as one with the Notice of Accidents Act, 1906, or the Coal Mines Act, 1911, as the case may require.

26.—(1) In every factory the following requirements shall have effect :— First-a ambula and saf orders.

(*a*) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons.

The number of first-aid boxes or cupboards required under this provision shall be calculated on the largest number of persons employed at any one time, and fractions of one hundred and fifty shall be reckoned as one hundred and fifty. Where the persons employed are employed in

Digitized by Google

shall be according to the largest number at work at any one time;

(*b*) Nothing except appliances or requisites for first-aid shall be kept in a first aid box or cupboard;

(*c*) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall always be readily available during working hours. A notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room;

(*d*) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the Ministry of Labour may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as it may specify in the certificate;

and if in respect of any factory such requirements are not complied with, the factory shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901.

(2) The powers of the Ministry of Labour under section seven of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, to make orders in relation to ambulance and first aid arrangements in factories and workshops, shall be exercisable as respects any works or premises to which any of the provisions of the Factory and Workshop Acts, 1901 to 1920, apply, and such building and engineering operations as may be prescribed, in like manner as they are exercisable as respects factories and workshops.

6 & 7 Geo. 5, c. 31.

(3) Where it appears to the Ministry of Labour that, in view of the number and nature of accidents occurring in any factory or class of factories, special provision ought to be made at that factory or at factories of that class to secure the safety of persons employed therein, the Ministry may by order require the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the order, and if the occupier of any factory affected by any such order fails to comply with the requirements of the order or any of them, the factory shall be deemed not

Digitized by Google

to be kept in conformity with the Factory and Workshop Act, 1901.

(4) This section, so far as it relates to factories and other places to which the Factory and Workshop Acts, 1901 to 1920, or any of them, apply, shall be construed as one with those Acts.

Supplemental.

Applicatio of Act.

27. The provisions of sections two to ten of this Act, and of the amendments of any scheme made in pursuance thereof, shall not apply to any case where the accident happened before the commencement of this Act.

Saving for matters ou side powe of Parlia- ment.

28. Nothing in this Act shall be construed as making provision with regard to any matter or thing in respect of which the Parliament of Northern Ireland have not power to make laws.

Short title construct commence ment and repeal.

29.—(1) This Act may be cited as the Workmen's Compensation Act (Northern Ireland), 1923, and the principal Act, the Workmen's Compensation (Anglo-French Convention) Act, 1909, the Workmen's Compensation (Illegal Employment) Act, 1918, the Workmen's Compensation (Silicosis) Act, 1918, and this Act may be cited together as the Workmen's Compensation Acts (Northern Ireland), 1906 to 1923.

(2) This Act shall, save as otherwise expressly provided, be construed as one with the principal Act, and references in this Act to the principal Act shall be construed as references to that Act as amended by this Act.

(3) References in this Act to any Acts of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those Acts as they apply to Northern Ireland, under and subject to the provisions of the Government of Ireland Act, 1920, and any enactments amending the same, and of any order made by His Majesty in Council in pursuance of the last-mentioned Act or enactments, whether made before or after the passing of this Act.

(4) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four.

(5) The enactments mentioned in the Second Schedule to this Act are hereby repealed as respects Northern Ireland, to the extent specified in the third column of that Schedule.

Digitized by Google

ection 19 (3)

FIRST SCHEDULE.

Amendments of Section 5 of the Principal Act.

1. In sub-section (1) of section five of the principal Act, after the words " in the event of a company having commenced to be wound up," there shall be inserted the words " or a receiver or manager of the company's assets by or on the application of debenture-holders having been appointed."

2. At the end of sub-section (2) of the same section there shall be added the words " or, as the case may be, may recover the balance from the receiver or manager."

3. For sub-section (3) of the same section the following sub-section shall be substituted :—

" There shall be included amongst the debts which—

(i) under section four of the Preferential Payments in Bankruptcy (Ireland) Act, 1889, are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts;

(ii) under section two hundred and nine of the Companies (Consolidation) Act, 1908, are in the winding-up of a company to be paid in priority to all other debts ; and

(iii) under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to any claim for principal or interest in respect of debentures ;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say :—

(*a*) in the first case the date of the order of adjudication or of the filing of the petition for arrangement ;

(*b*) in the second case the date of the commencement of the winding-up of the company ;

(*c*) in the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section one hundred and seven ;

and the said sections shall have effect accordingly.

Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the First Schedule to this Act."

4. In sub-section (5) of the same section the words "being wound up " shall be omitted.

Digitized by Google

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 58.	The Workmen's Compensation Act, 1906.	Paragraph (*a*) of sub-section (2) of section one. In sub-section (5) of section five the words " being wound up." Sub-section (2) of section seven. The proviso to paragraph (1) of the First Schedule. Paragraph (3) of the First Schedule from " and in the case " to the end of the paragraph. In paragraph (15) of the First Schedule the words from " on payment by " to " as may be prescribed " and the words " and subject to the consent of the Treasury as to the fee to be paid under this paragraph." The proviso to paragraph (16) of the First Schedule.
8 Edw. 7. c. 69.	The Companies (Consolidation) Act, 1908.	In paragraph (*d*) of sub-section (1) of section two hundred and nine the words" not exceeding in any individual case one hundred pounds." In paragraph (3) of section two hundred and forty the words " not exceeding in any individual case one hundred pounds."
7 & 8 Geo. 5. c. 42.	The Workmen's Compensation (War Addition) Act, 1917.	The whole Act.
9 & 10 Geo. 5. c. 83.	The Workmen's Compensation (War Addition) Amendment Act, 1919.	The whole Act.

Digitized by Google

TABLE II

SHOWING THE EFFECT OF THE YEAR'S LEGISLATION

PART I

ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM (IN CHRONOLOGICAL ORDER) REPEALED AMENDED OR EXTENDED BY ACTS OF THE PARLIAMENT OF NORTHERN IRELAND PASSED IN THE SESSIONS 13 & 13 & 14 GEO. 5

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 13 & 13 & 14 Geo. 5.
5 Geo. 3 (Ir.) c. 20	Infirmaries and Hospitals.	S. 5 Rep.	31 s. 11 (3) Sch. 2
1 & 2 Wm. 4 c. 55	Illicit Distillation (Ireland)	Ss. 16, 17, 19, 22, 23, 24, 25, 27, 28 applied.	12 s. 8 (1) (b)
3 & 4 Wm. 4 c. 68	Licensing (Ireland.)	S. 2 in part rep.	12 s. 13 (3) Sch. 3
6 & 7 Wm. 4 c. 38	Licensing (Ireland.)	S. 8 am.	12 Sch. 2 pt. 1, 7
6 & 7 Wm. 4 c. 116	Grand Juries (Ireland.)	Ss. 83, 85, 86 limits imposed by repealed.	31 s. 1 (1) s. 11 (3) Sch. 2.
14 & 15 Vic. c. 90	Fines (Ireland.)	Applied.	12 s. 11 (2).
17 & 18 Vic. c. 89	Spirits (Ireland.)	Ss. 9, 10 applied.	12 s. 4 (2).
94	Revenue & Consolidated Fund.	S. 2 am.	4 s. 1 (2).

Digitized by Google

of Act of Parliament.	Short Title.	How affected.	13 & 14 Geo. 5.
17 & 18 Vic. c. 103	Towns Improvement (Ireland.)	Applied as modified.	31 s. 2 (1) a.
21 & 22 Vic. c. 100	Petty Sessions Clerk (Ireland).	S. 6 am. S. 28, Sch. C., Virt. rep. S. 29 am.	5 s. 2 (3). 5 s. 1 (1) a, 2. 5 s. 1 (4).
28 & 29 Vic. c. 26	Union Officers Superannuation.	Applied with modification to Joint Committee of Management of County Infirmary and Officers.	31 s. 1 (2)
c. 50	Dogs Regulation.	Ss. 8, 9, 10 Virt. rep.	5 s. 1 (1) b (3).
32 & 33 Vic. c. 50	Medical Officers Superannuation.	Applied with modifications	31 s. 1 (2).
33 & 34 Vic. c. 64	Petty Sessions Clerk (Ir.) Amend.	S. 2 am.	5 s. 2 (3).
35 & 36 Vic. c. 89	Union Officers Ireland.	Applied with modifications.	31 s. 1 (2).
c. 94	Licensing.	S. 52 applied.	12 s. 11 (6).
37 & 38 Vic. c. 69	Licensing.	S. 30, 31, 32 rep.; 78 in pt. rep.	12 s. 8 (5) 13 (3) Sch. 3.
38 & 39 Vic. c. 59	Public Records (Ireland) Amendt.	Ss. 27 in pt. rep., 28 rep. Modified and applied.	12 s. 13 (3) Sch. 3 20 s. 11.
39 & 40 Vic. c. 58	Parochial Records	Modified and applied.	20 s. 11.
41 & 42 Vic. c. 52	Public Health.	S. 213 applied.	21 s. 101 (2) a.
c. 66	Intermediate Education.	Repealed.	21 s. 101 (2) Sch. 6.

Digitized by Google

Session and Chapter or Number and Year of Act of Parliament.	Short Title.	How affected.	14 Geo. 5.
41 & 42 Vic. c. 72	Sale of Liquor on Sunday (Ir.).	Rep.	12 s. 13 (3) Sch. 3.
42 & 43 Vic. c. 30	Sale of Food and Drugs.	S. 6 repealed.	12 s. 13 (3) Sch. 3.
43 & 44 Vic. c. 45	Criminal Law Amendt.	Rep.	8 s. 4 (2) Sch.
45 & 46 Vic. c. 69	Intermediate Education.	Rep.	21 s. 110 (2) and Sch. 6.
47 & 48 Vic. c. 14	Married Women's Property.	Rep.	9 s. 5 (4) Sch. 2.
48 & 49 Vic. c. 69	Criminal Law Amendt.	S. 5, first and second provisos: S. 6 proviso. S. 13, so far as relates to penalties and term of imprisonment, and S. 20 repealed.	8 s. 4 (2) Sch. 9 s. 5 (4) Sch. 2.
52 & 53 Vic. c. 76	Technical Instruction.	Repealed.	21 s. 22 (1).
54 & 55 Vic. c. 4	Technical Instruction.	Repealed.	21 s. 22 (1).
c. 39	Stamp Duty.	S. 46 and Sch. am.	26 s. 5.
55 & 56 Vic. c. 42	Irish Education.	Repealed.	21 s. 31.
56 & 57 Vic. c. 41	Irish Education.	Repealed.	21 s. 33 b ii.
57 & 58 Vic. c. 30	Finance.	S. 2 (2) am.	26 s. 6 (1).
60 & 61 Vic. c. 51	Public Works Loan.	S. 5, virt. rep.	4 s. 5 (2).

Digitized by Google

of Act of Parliament.	matter or Short Title.	How affected.	13 & 13 & 14 Geo. 5.
61 & 62 Vic. c. 37	Local Govt. (Ireland.)	S. 8 rep. Ss. 7, 74 rep. Ss. 15 (1) am. 15 (6) 15 (9) rep. Applied as modified.	10 s. 1 (2). 21 s. 110 (2) & Sch. 6. 31 s. 1 (1) 11 (3) & Sch. 2. 31 s. 2 (1) (b).
62 & 63 Vic. c. 44	Small Dwellings Acquisition	S. 5 (1) am., s. 34 am.	30 s. 5.
50	Agricultural and Technical Instruction.	S. 14, Powers of Urban Councils to cease if committee appointed before appointed day. Maximum sum raisable by rate modified. So much of Act as relates to Technical Instruction repealed.	21 s. 23 (1). 21 s. 78 (1). 21 s. 110 (2) & Sch. 6.
63 & 64 Vic. c. 41	Local Govt. (Ireland) No. 2.	Rep.	10 s. 3 (2)
43	Intermediate Education.	Rep.	21 s. 110 (2) & Sch. 6.
1 Edw. 7 c. 22	Factory & Workshop.	Act am., First Aid Cupboard to be provided.	33 s. 26.
,,	,,	S. 134 am.	21 s. 89 (3).
c. 27	Intoxicating Liquor.	S. 2 am.	12 s. 5.
2 Edw. 7 c. 18	Licensing (Ireland).	Rep.	12 s. 9, s. 13 (3) Sch. 3.
c. 38	Local Govt. (Ireland).	S. 2 rep.	31 s. 1 (1) s. 11 (3) Sch. 2.
3 Edw. 7 c. 36	Motor Car.	S. 19 (4) rep.	9 s. 5 (4) Sch. 2.

Digitized by Google

of Act of Parliament.	matter or Short Title.	How affected.	13 & 13 & 14 Geo. 5.
3 Edw. 7 c. 45	Employment of Children.	Repealed. Reference to construed as to Education Act.	21 s. 110 (2) Sch. 6 21 s. 44 (e)
4 Edw. 7 c. 9	Registration of Clubs.	Am.	12 s. 7 (2) & Sch. 2 pt. 2.
15	Prevention of Cruelty to Children	S. 27 am. S. 12 rep. S. 2 (b) (c) and S. 3 am.	8 s. 2 9 s. 5 (4) Sch. 2 21 s. 44 (a) (b) (c).
5 Edw. 7 c. 3	Licensing Ireland.	Rep.	12 s. 13 (3) Sch. 3.
6 Edw. 7 c. 39	Intoxicating Liquors (Ireland).	Rep.	12 s. 13 (3) Sch. 3.
53	Notice of Accidents.	S. 1, 4 (1) am.	33 s. 25 (1) (2).
58	Workmen's Compensation.	S. 1 (2) a repealed. S. 1 (4) repealed, new ss. substituted. S. 2 (1) a am. S. 3 am. S. 5 (1) am. S. 5 (3) repealed, new ss. substituted. S. 5 (5) partly repealed. S. 6 am. S. 7 (2) repealed, new ss. substituted. S. 8 (1) (i) am. 8 (1) c. iii. am. 8 (1) f am. S. 10 (1) am. S. 13 am. Sch. 1.—Par. 1 (a) extended and am.; par. 1 (b) am.; proviso repealed;	33 s. 1 s. 18 s. 10 2 s. 6 (1) s. 17. s. 19 & Sch. 1. s. 19 (2) & Sch 1. s. 29 (5) & Sch. 2 s. 23 (5). s. 8. s. 13. s. 23 (9). s. 11 (2). s. 11 (3) s. 24. s. 9 (1) (2) 21. s. 2, s. 3, s. 23 (2) s. 23 (3.) s. 4. s. 4 (4), s. 29 (5) & Sch. 2

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter & 13 & 13 & 14 Geo. 5
6 Edw. 7, c. 58	Workmen's Compensation. (continued).	Par 2 am. ; Par. 3 partly repealed ; Par. 4 am. ; Par. 15 am., and in part repealed. Sched. 1, par. 16 am. and new proviso substituted. Par. 17 am. Par. 18 am. Par. 19 am. Sched. 2.—Par. 5 repealed new substituted.	s. 23 (4). s. 29 (5) & Sch. 2 s. 10 (5). s. 11, s. 24. 33. s. 15, 23 (6). s. 23 (7). s. 23 (8). s. 23 (5), s. 24. s. 11 (3).
8 Edw. 7 c. 24	Summary Jurisdiction (Ir.)	S. 12 rep.	9 s. 5 (4) Sch. 2.
38	Irish Universities.	S. 10. rep.	21 s. 110 (2) Sch. 6.
8 Edw. 7 c. 67	Children.	SS. 27, 133 (28) rep. S. 58 applied.	9 s. 5 (4) Sch. 2. 21 s. 33 (b) ii.
c. 69	Companies Consolidation.	S. 107 am. S. 209 (1) d partly repealed. S. 240 (3) partly repealed.	33 s. 19. s. 33, s. 2 (5) & Sch. 2.
9 Edw. 7 c. 22	Trade Boards.	Repealed so far as in force in Northern Ireland.	32 s. 27.
32	Health Resorts and Watering Places (Ireland.)	S. 1 am.	31 s. 8.
47	Development and Road Improvement.	S. 17 (1) ext.	10 s. 2 (1
10 Edw. 7 & 1 Geo 5 c. 8	Finance.	S. 4 repealed so far as unrepealed.	26 s. 7.

Digitized by Google

of Act of Parliament.	matter or Short Title.	How affected.	13 & 13 & 14 Geo. 5.
1 & 2 Geo. 5 c. 48	Finance	S. 9 saved.	12 s. 12 (1).
50	Coal Mines	S. 18 (1) b am.	33 s. 25 (3).
2 & 3 Geo. 5 c. 20	Criminal Law (Amendt.)	S. 4 (2) (3) rep.	8 s. 4 (2) Sch.
3 & 4 Geo. 5 c. 7	Children (Employment Abroad.)	S. 7 (6) rep.	9 s. 5 (4) Sch. 2.
c. 29	Intermediate Education (Ir.), 1913.	S. 3 (4) rep.	9 s. 5 (4) Sch. 2.
4 & 5 Geo. 5 c. 35	Education (Provision of Meals.)	Repealed.	21 s. 110 (2) Sch. 6.
c. 41	Intermediate Education (Ir.), 1914.	Repealed.	21 s. 110 (2) Sch. 6.
6 Geo. 5 c. 10	Education (Provision of Meals), 1914.	Repealed.	21 s. 110 (2) Sch. 6.
6 & 7 Geo. 5 c. 11	Finance (New Duties.)	S. 1 am.	26 s. 1.
6 & 7 Geo. 5 c. 31	Police Factories (Miscellaneous Provisions), 1916.	S. 7 ext.	33 s. 26 (2).
7 & 8 Geo. 5 c. 42	Workmen's Compensation (War Additions.)	Repealed as from 31st Dec., 1923, except as to total incapacity from accident occurring before that date.	33 s. 1, 29 (4) (5) Sch. 2.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter 13 & 13 14 Geo. 5
7 & 8 Geo. 5 c. 53	Education (Provision of Meals), 1917.	Repealed.	21 s. 110 (2) Sch. 6.
64	Representation of the People.	Ss. 3 (a) (b) am. 13 am.	13 s. 1 (1 (2).
8 & 9 Geo. 5 c. 32	Trade Boards.	Rep. so far as unrepealed	32 s. 2
9 & 10 Geo. 5 c. 16	Public Health, Treatment of Children (Ireland), 1919.	Repealed.	21 s. 110 (2) Sch. 6.
45	Housing (Ireland).	S. 5 (1) modified.	30 s. 2 (1
c. 50	Ministry of Transport.	S. 3 (1) e am.	1 s. 1 (1)
c. 82	Irish Land (Provision for Sailors and Soldiers.)	S. 4 ext. and applied.	19 s. 1 (2
c. 83	Workmen's Compensation (War Additions.)	Repealed as from 31st Dec., 1923, except as to total incapacity from accident occurring before that date.	33 s. 1, (4) (5) Sch. 2.
c. 100	Electricity Supply.	S. 29 (2) am.	24 s. 1.
10 & 11 Geo. 5 c. 17	Increase of Rent and Mortgage Interest Restriction	Continued to 24th Decr., 1923.	16 s. 1.
c. 18	Finance.	Sch. 11 am.	26 s. 3 (1
c. 28	Gas Regulation.	S. 7 am.	24 s. 2.

Digitized by Google

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 13 & 13 & 14 Geo. 5.
10 & 11 Geo. 5 c. 30	Unemployment Insurance.	S. 1 (2) Pt. 11, Sch am. S. 3 (2) am. S. 7 (2) b. rep. S. 18 virt. rep. S. 28 (1) am. S. 33 am. Sched. 2—Par. 2 am. Par. 5 am.	21 s. 44 (e). 11 s. 1 12 (2) 9 10 11 4(2) 7
c. 36	Pensions (Increase).	S. 1 (2) Pt. 11 Sched.	21, 70 (3)
c. 67	Government of Ireland.	S. 20 (3) (4) repealed so far as inconsistent.	4 s. 8 (4)
c. 72	Roads.	S. 3 (4) f added.	26 s. 3 (1)
11 Geo. 5 c. 1	Unemployment Insurance.	S. 2 rep. so far as unrepealed.	11 s. 12 (2) Sch. 2.
11 & 12 Geo. 5 c. 15	Unemployment Insurance No 2.	S. 2 rep.	11 s. 12 (2) Sch. 2.
c. 32	Finance.	S. 7, 8 (2) rep.	26 s. 1 (3)
13 Geo. 5 (2) c. 2	Irish Free State (Consequential Provisions) Sailors & Soldiers Land Trust.	S. 3 applied.	19 s. 1 (1)

Digitized by Google

ACTS OF PARLIAMENT OF NORTHERN IRELAND (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF THAT PARLIAMENT PASSED IN THE SESSIONS 13 & 13 & 14 GEO. 5.

Statute and Chapter of Act of Parliament.	Subject matter or Short Title.	How affected.	Chapter of 13 & 13 & 14 Geo. 5.
12 Geo. 5 c. 2	Exchequer & Audit	S. 20 am.	4 s. 7.
c. 3	Superannuation.	S. 2 (1)(b)(d) rep. S. 2 (2) am.	28 s. 1 (b) s. 2 (1) (a)
c. 9	Salaries of Ministerial Officers.	Sched. am.	18 s. 1.
12 & 13 Geo. 5 c. 2	Superannuation.	S. 1 am.	28 s. 2 (1) (b) (c)
c. 4	Unemployment Fund.	S 1 (1) proviso a.m.	11 s. 5.
c. 5	Civil Authorities (Special Powers.)	S. 2 (7) rep.	9 s. 5 (4) Sch. 2.
12 & 13 Geo. 5 c. 7	Unemployment Insurance.	S 1 (4) rep. S. 4 (1) b (5) rep. 6 (1) a am., 6 (2) in part rep.	11 s. 12 (2) Sch. 2.
c. 8	Constabulary.	S. 4 Ext.	2 s. 1 (1).
c. 13	Church Temporalities Fund.	S. 1 in part rep.	4 s. 8 (3).
c. 16	Local Government (Ireland).	S. 7 (3) modified.	31 s. 9 (2)

Digitized by Google

of Act of Parliament.	matter or Short Title.	How affected.	13 & 13 & 14 Geo. 5.
12 & 13 Geo. 5 c. 17	Unemployment Insurance (Amendment.)	Rep.	11 s. 12(2)
c. 24	Loans Guarantee (Amendt.)	S. 1 (1) am. 1 (6) am.	15 s. 1. 26 s. 9.
13 Geo. 5 c. 4	Exchequer and Financial Provisions.	Ss. 2 (2) 5 (1) b am.	26 s. 10 (1) (2).

Digitized by Google

TABLE III

INDEX

TO THE

PUBLIC GENERAL STATUTES

13 & 14 GEO. 5—A.D. 1923

ACCIDENTS :
Workmen's Compensation (c. 33, ss. 10, 25, 26) .. 229–240–241

ACCOUNT, Annual, of Public Income and Expenditure (c. 4, s. 1), see Exchequer and Financial Provisions 13

of Capital (c. 4, s. 6) 17

Advertising, see HEALTH RESORTS 200

ADVISORY COUNCIL AND LOCAL AUTHORITIES AND COMMITTEES ON EDUCATIONAL MATTER (c. 21, pt. I) 94

AFFLICTED CHILDREN (c. 21, pt. IX) 128

AGE proof of, of child (c. 21, s. 92) 148

AGRICULTURAL EDUCATION (c. 21, pt. XIV) 142

AGRICULTURE, MINISTRY OF :
Scutch Mills, enforcement of Act (c. 17, s. 2) 80

AMBULANCE arrangements (Workmen's Compensation Act) c. 33, ss. 10 (2) (d), 26 230–241

ANNUAL REPORT by Ministry of Education to Parliament (c. 21, s. 106) 153

APPEALS : Workmen's Compensation Act (c. 33, ss. 12 (2) (3), 18) 232–236

APPROPRIATION : to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the period ended on the thirty-first day of March, nineteen hundred and twenty-two, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-three, and the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate supplies granted by Parliament for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-three (c. 3) 11

APPROPRIATION : to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate the Supplies granted in this Session of Parliament. Ch. 22 164

APPROPRIATION (No. 2) : to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-four, and to appropriate the further Supplies granted in this Session of Parliament. Ch. 27 185

Digitized by Google

Appointment of Deputy for (c. 18, s. 2) 82
Salary of the Office of (c. 18, s. 1) 82
AUDIT :
Accounts of charitable donations and bequests (c. 4, s. 7) .. 18
Auditor surcharge, by limitation on power (c. 31, s. 3) .. 199
BANKRUPTCY of employer (Workmen's Compensation) (c. 33, s. 19, Schs. 1, 2) 236
BIRTH certificate of, of children (c. 21, s. 89) 147
BONA FIDE TRAVELLER, allowance of ; sale of intoxicating liquors to on Sunday or Christmas Day repealed (c. 12 Schedule 2 (2) 70
BORROWING by Education Authority (c. 21, s. 74).. .. 141
BORROWING POWER : Ministry of Finance may borrow by Treasury Bills (c. 3, 4, c. 22, 2, c. 27, 2 (1) .. 11–16–164–185
BROTHEL KEEPER : Penalties. See Criminal Law Amendment (c. 8, s. 3) 86

CANALS (CONTINUANCE OF CHARGING POWERS) ; For the continuance of Charging Powers in respect of Canal or Inland Navigation Undertakings in Northern Ireland of which possession was retained or taken by the Minister of Transport under the Ministry of Transport Act, 1919. Ch. 1 .. 7
CAPITAL FUND : Establishment of c. 4, s. 4 .. ..
CASUAL EMPLOYMENT (Workmen's Compensation) (c. 33, s. 9 (2) (b)) 228
CERTIFICATE, of birth, death, child (c. 21, s. 89) 147
Of attendance at school (c. 21, s. 94) ; 148
Of Incorporation of Company (c. 6, s. 2 and Sch. 2 B) .. 23–33
CHARITABLE DONATIONS and Bequests, audit of accounts (c. 4, s. 7) 18
CHEMIST AND DRUGGIST : Licence for sale of wine by (c. 12, s. 12) 65
CHILDREN :
Sale of intoxicating liquor to (c. 12, s. 5) 59
Employment of (c. 21, pt. 7) 119
Afflicted (c. 21, pt. IX) See EDUCATION 128
CHILDREN AND YOUNG PERSONS :
Workmen's Compensation, payment in respect of dependdent children (c. 33, ss. 2, 23) 225
CHRISTMAS DAY : Licensed premises to be closed upon (c. 12, s. 1). See INTOXICATING LIQUOR 53
CHURCH TEMPORALITIES FUND ACCOUNT, discontinued (c. 4, s. 8 (3) 19
CIVIL SERVANTS :
Declaration from before payment (c. 22, s. 4) 165
Loans to, for purchase or building of houses (c. 4, s. 5 (1) b and c. 26, s. 10 (2) 184
CLAIMS TRIBUNAL : Establishment of (c. 12, s. 3). See INTOXICATING LIQUOR 56
CLUB :
Workmen's Compensation, for persons employed or paid through (c. 33, s. 9 (2) (b) 229
Sale of intoxicating liquor to (c. 12, s. 7 and Sch. 2, pt. 1) ; Registration of (c. 12, Sch. 2, pt. 2) 60–72

Digitized by Google

CONSENT to indecent assault. See Criminal Law Amendment (c. 8, s. 1) 241

CONSOLIDATED FUND AND APPROPRIATION; To apply certain sums out of the Consolidated Fund of Northern Ireland to the service of the period ended on the thirty-first day of March, nineteen hundred and twenty-two, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-three, and the thirty-first day of March, nineteen hundred and twenty-four, and to make further provision with respect to the appropriation of certain supplies granted by Parliament for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-three. Ch. 3 11

COMPANIES (RECONSTITUTION OF RECORDS); To provide for the Reconstitution of the Records relating to certain Companies having Registered Offices in Northern Ireland. Ch. 6. 22

§1. Duty of certain Companies to furnish copies of documents .. 22
2. Registration of copies of documents and issue of certificate .. 23
3. Provisions as to documents filed under the Act 23
4. Saving with respect to production of destroyed documents .. 24
5. Failure to furnish statement, etc., to Registrar 24
6. Expenses of compliance with Act 26
7. Interpretation and short title 26
Schedules 26

COMPANY, Workmen's Compensation, obligations (priority in Bankruptcy, &c.) (c. 33, s. 19) 236

COMPENSATION. See Workmen's Compensation (c. 33) .. 224

CONSOLIDATED FUND:
Conversion of terminable revenue into perpetual revenue and redemption of interest charges (c. 4, s. 3) 15
Appropriation (c. 22) 164
Appropriation (No. 2) (c. 27) 185
Grants for Housing charged upon (c. 30, ss. 3, 4) .. 193–194

CONSTABULARY; To enable certain special constables to be appointed as members of the Royal Ulster Constabulary. Ch. 29 189

CONSTABULARY, ROYAL ULSTER (c. 3, s. 5) 12

COSTS: Workmen's Compensation Act (c. 33, ss. 12 (3) (5), 18) 232–233–236

COTTAGES for ex-service men. See Land Trust Powers (c. 19 Sch. 84

COUNTY COUNCIL: Regulations as to procedure of, under Roads Act (c. 10, s. 3 (1) 44

COUNTY COURT: Jurisdiction, etc., under Workmen's Compensation Act (medical referee, assessor lump sum agreements, etc.) (c. 33, ss. 11, 12, 14 (ii), 15, 16, 18, 20)231–232–234–236
Jurisdiction of registrar to refer Workmen's Compensation matters to medical referee, &c. (c. 33, ss. 11, 14 (ii) .. 231–234

COUNTY INFIRMARIES AND FEVER HOSPITALS (c. 31, s. 1) .. 197

COURTS. See Workmen's Compensation (action for damages) (c. 33, s. 18) 236

Digitized by Google

§1. Competency of witnesses in criminal cases 38
2. Evidence of person charged 39
3. Right of reply 39
4. Calling of wife or husband in certain cases 40
5. Application of Act, commencement, construction and repeal .. 40
6. Short title 40
Schedules 41

CRIMINAL LAW AMENDMENT: To amend the law in Northern Ireland with respect to offences against persons under the age of sixteen, and with respect to penalties under section thirteen of the Criminal Law Amendment Act, 1885. (Ch. 8)

§1. Consent of young person to be no defence 36
2. Amendment of sections 5 and 6 of 48 & 49 Vict. c. 69 as to defence of reasonable belief 36
3. Amendment of penalties under section 13 of principal Act .. 36
4. Construction, repeal and short title 37
Schedule 37

DEATH: Certificate of, of children (c. 21, s. 89) 147

DEATH: Workmen's Compensation (c. 33, ss. 3, 7) 226–228

DECLARATION required from civil servant before payment c. 22, s. 4) 165

DEDUCTION FROM WAGES. See Trade Boards Act (c. 32, s. 15) 212

DISPENSARY DISTRICT: Alteration in Electoral Division not to affect (c. 31 , s. 9) 200

DISTRICT COUNCILS: Regulations as to procedure of, under Roads Act (c. 10, s. 3) (1) 44

DEPUTY: Appointment of, for Attorney General (c. 18, s. 2) .. 82

DOGS, Licences fees for (c. 5, s. 1) 19

DOUBLE TAXATION RELIEF; To give the force of Law to the consent of the Government of Northern Ireland to certain arrangements for Relief in respect of Double Taxation as between Northern Ireland and the Irish Free State. Ch. 14. 76

DROMORE GAS COMPANY. See COMPANIES RECONSTITUTION OF RECORDS (c. 6, sched. 1) 26

EDUCATION; To establish local authorities for education in Northern Ireland; to make better provision therein as respects education, school attendance, the employment of children and young persons, the health and welfare of school children and afflicted children, and the training and employment of school teachers; and for purposes connected therewith. Ch. 21 94

PART I.

ADVISORY COUNCIL AND LOCAL AUTHORITIES AND COMMITTEES.
§1. Advisory Council on educational matters 94
2. Local education authorities and committees 95
3. School committees 97
4. Official advisors or assessors 99

PART II.

SCHEMES FOR PROVIDING EDUCATION.
5. Submission and approval of schemes 99
6. Requirements in relation to schemes 100

Digitized by Google

7. Definition of elementary education and public elementary school 100
8. Duty to provide and maintain public elementary school accommodation, etc. 101
9. Necessity for schools 102
10. Practical and advanced instruction 102
11. Nursery schools 102
12. Vacation, schools, etc. 102
13. Co-operation with voluntary agencies 103
14. Transfer of public elementary schools to education authorities 103
15. Duties of education authorities in relation to voluntary schools 105
16. Capital expenditure on voluntary schools, etc. 107
17. Facilities for elementary education of children in outlying districts 107
18. Power to provide scholarships in public elementary schools.. 108

PART IV.

HIGHER EDUCATION.

19. Power to aid higher education 108
20. Power to facilitate attendance at intermediate and secondary schools and other institutions 108
21. Transfer of intermediate or secondary school to education authority 109
22. Continuation schools, and classes for technical instruction, etc. 110
23. Provisions as to technical instruction in urban districts .. 111
24. Transitory provisions as to technical instruction 113
25. Restrictions on charging of fees 113

PART V.

RELIGIOUS INSTRUCTION.

26. Provisions as to religious instruction in provided or transferred schools 114
27. Religious instruction in voluntary schools 114
28. Arrangements for religious instruction in public elementary schools 114
29. Regulations of Ministry as to religious instruction .. 115

PART VI.

SCHOOL ATTENDANCE.

30. Duty of to parent cause child to attend school 115
31. Duty on education authority to enforce school attendance .. 116
32. Power of education authority to make school attendance orders 116
33. Summary proceedings on disobedience to school attendance order 117
34. Power to prescribe dates for school attendance 118
35. Duty of head teachers to furnish certificates of school attendance 118

PART VII.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

36. General restrictions on the employment of children .. 119
37. Provisions in regard to street trading 120
38. Restrictions on employment of children to prejudice of health, etc. 120
39. Restrictions on employment of children and young persons attending school 121
40. Offences and penalties 121
41. Offences by agents and by parents 122
42. Power of officer of education authority to enter place of employment 123
43. Limitation of time and taking of proceedings 123
44. Amendment of 4 Edw. 7, c. 15, as to employment of children 123
45. Powers of education authority to give assistance with respect to the choice of employment 124
46. Savings 124

Digitized by Google

PROVISIONS FOR HEALTH AND WELL-BEING OF SCHOLARS
47. Provision of medical treatment, etc., for school children .. 125
48. Recovery of costs of medical treatment 126
49. Power of education authority to provide or assist in the provision of meals for school children 126
50. Recovery of the cost of meals 127
51. Power of education authority to defray the cost of food in certain cases 127
52. Provisions as to duties of teachers 127
53. Duty of education authority in regard to neglected children 127

PART IX.

AFFLICTED CHILDREN.
54. Duty of parent as to education of afflicted children .. 128
55. Duty of education authority to determine what children are afflicted children 130
56. Duty of education authority to provide for education of afflicted children of school age 131
57. Provisions as to afflicted children not of school age or incapable of education 132
58. Protection for religious persuasion 133
59. Consultation with parents, and co-operation with other authorities and persons 133
60. Determination of residence 133
61. Certification of schools for afflicted children 134
62. Liability of parent for expenses of afflicted child 134
63. Interpretation 135

PART X.

64. Transfer of powers as to reformatory and industrial schools 135

PART XI.

TEACHERS.
65. Training and certification of teachers 136
66. Appointment of teachers 136
67. Terms of employment in public elementary schools .. 137
68. Procedure on dismissal of teacher 137
69. Salary scales for teachers 137
70. Superannuation schemes for teachers 136
71. Approval and effect of scheme 139
72. Provisions in regard to recorded service in certain cases .. 139

PART XII.

FINANCIAL PROVISIONS.
73. Expenses of education authority 140
74. Borrowing by education authority 141
75. Provision of moneys for Parliamentary grants 141
76. Parliamentary grant in aid of expenses of education authority 141
77. Power of Ministry to prescribe conditions for Parliamentary grants and rate aid 142

PART XIII.

APPLICATION OF ACT TO AGRICULTURAL EDUCATION.
78. Modification of 62 & 63 Vict., c. 50 142
79. Application of Act to agricultural education 143

PART XIV.

ADMINISTRATIVE AND GENERAL PROVISIONS.
80. Powers, procedure, etc., of councils and committees .. 143
81. Power to acquire land 144
82. Appropriation of land for educational purposes 144
83. Disposal of land and application of proceeds 145
84. Appointment of officers 145
85. Procedure as to making and confirmation of bye-laws of education authority 145

Digitized by Google

87. Religious instruction not to be inspected 14
88. Provisions in regard to inefficient schools 14
89. Regulations as to certificates of birth or age, fees, etc. .. 14
90. Offences, fines and costs 14
91. Power to enforce attendance of child before court .. 14
92. Proof of age 14
93. Proof of attendance at school 14
94. Certificate of teacher as to attendance 14
95. Appearance of education authority in legal proceedings .. 14
96. Appearance by member of family 14
97. Limitation on right to certain defences 14
98. Power to enforce duties of education authority 14
99. Regulations of Ministry under the Act 15
100. General returns 15
101. Public inquiries by Ministry and Ministry of Home Affairs .. 15
102. Service of notices, etc 15
103. Evidence of certificates, etc., issued by education authorities 15
104. Forging of certificates 15
105. Publication of notices 15
106. Annual report 15
107. Power of education authority to accept gifts for education purposes 15

PART XV.

SUPPLEMENTAL.

108. Definitions 15
109. Commencement of Act and appointed day 15
110. Construction and repeal 15
111. Short title 15
Schedules 15

ELECTION DAYS : Licensed premises may be closed upon (c. 12. s. 10) 6

ELECTION EXPENSES : Urban District (c. 31, s. 4) .. 19

ELECTONAL DIVISION, alteration in (c. 31. s. 9) See DISPENSARY DISTRICT 20

ELEMENTARY EDUCATION (c. 21, pt. III) 10

ELEMENTARY SCHOOLS : Transfer of to education authorities (c. 21, s. 14) 10

ELECTRICITY AND GAS (EXPENSES) : To amend section twenty-nine of the Electricity (Supply) Act, 1919, and section seven of the Gas Regulation Act, 1920, in their application to Northern Ireland, and for purposes connected therewith. Ch. 24 17

EMPLOYER'S LIABILITY. See WORKMEN'S COMPENSATION

EMPLOYMENT : See Unemployment Insurance (c. 11) .. 4

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS (c. 21,pt.vii.) 11

EMPLOYMENT SCOPE OF : See Workmen's Compensation (c. 33) 22

ENTERTAINMENTS DUTY : Relief from (c. 26, s. 1,2) See Finance 18

ESTATE DUTY :
Inclusion of property outside Northern Ireland in property passing on death (c. 26, s. 6) 18
Relief from Double Taxation in respect of (c. 14) .. 7

ETHER AND METHYLATED SPIRITS : Restrictions on sale of (c. 12, s. 4.) 8

Digitized by Google

Ireland ; to charge certain sums upon the Consolidated Fund of Northern Ireland ; to extend the powers of the Ministry of Finance with respect to Capital Moneys and the making of Loans ; to amend the Law with respect to the preparation, examination and presentation to Parliament of Accounts ; and for purposes connected therewith. Ch. 4 .. 13

§1. Annual account of income and expenditure 13
2. Application of annual surplus 14
3. Conversion of terminable revenue into perpetual revenue, and redemption of interest charges 15
4. Establishment of Capital Fund 15
5. Extension of powers of Ministry of Finance to make loans, etc. 16
6. Accounts of operations of Ministry of Finance under the Act 17
7. Amendment of law as to audit of certain departmental accounts 18
8. Interpretation and repeal 18
9. Short title 19

EXPENSES, ELECTION. See ELECTION EXPENSES. 119

EVIDENCE : of Certificate issued by Education, Authorities (c. 21, s. 103) 153
Competency of witnesses in criminal cases (c. 9, s. 1) .. 38
Competency of witnesses in criminal cases (c. 9, s. 1) .. 38
,, of wife or husband in certain cases (c. 9, s. 4) 40
,, of person charged (c. 9, s. 2) 39

EXPIRING LAWS CONTINUANCE : to continue certain Expiring Laws as respects Northern Ireland. Ch. 25 175

FACTORY AND WORKSHOPS :

Workmen's Compensation Act ; notice of accident ; first aid, &c. (c. 33, ss. 10, 25, 26) 229-240-241

FEES : Medical Assessor, &c., fees of, under Workmen's Compensation Act (c. 33, ss. 11) (3), 24 231-240

FEES : Petty Sessions Forms and Certificates in connection with Dog Licences (c. 5, s. 1) 19

FEVER HOSPITALS : County and Infirmaries (c. 31, 1) .. 197

FINANCE ; To amend the Law relating to certain Duties of Inland Revenue (including Excise), to alter other Duties and to make further provision in connection with Finance. Ch. 26. 180

PART I.

ENTERTAINMENTS DUTY AND LICENCE DUTY.

§1. Relief from entertainments duty 180
2. Relief from entertainments duty in respect of school enterments 181
3. Licence duty on six-wheeled vehicles 181

PART II.

4. Exemption from stamp duty of instruments relating to Savings Certificates 182
5. Exemption from Stamp Duty of certificates of Solicitors who are civil servants 182
6. Provision as to inclusion of property outside Northern Ireland in property passing on death 182

PART III.

MISCELLANEOUS AND GENERAL.

7. Repeal of s. 4 of 10 Edw. 7 and 1 Geo. 5, c. 8 183
8. Amendment of provisions of 10 & 11 Geo. 5, c. 72 as to Road Fund. 183
9. Extension of period for guarantee of loans 183
10. Amendment of 13 Geo. 5, c. 4 184
11. Construction and short title 184

Digitized by Google

FINANCE, MINISTRY OF
Appropriation Act (c. 22, Ss. 1, 2, 4) 164
Borrowing Powers (c. 27) 185
Extension of Power to guarantee certain loans (c. 15) .. 78
Public Record Office, Establishment of (c 20) 85
Salary of Attorney General (c. 18, s. 1) 82
Unemployment Insurance (benefit year, &c.) (c. 11, Ss. 3, 4 (2)) 47

FINES under Intoxicating Liquor Act, recovery and application of (c. 12, s. 11) 63

First Aid: Arrangements, Workmen's Compensation (C.33, s. 26) 241

FISHING VESSELS: Workmen's Compensation Act, extended to (c. 33, s. 8) 228

FISHERMEN: Workmen's Compensation extended to (c. 33, s. 8) 228

FLAG: Display of, Prohibition of on licensed premises not to apply to Union Jack (c. 12, sched. 2, pt. 1, 7) .. 72

FLAX: Disposal of by-products of scutching and conduct of business (c. 17) 79

FRIENDLY SOCIETIES: Registrars, powers of amending; renewing, &c., schemes under Workmen's Compensation Act (c. 33, ss. 6, 17) 227–235

GAS EXAMINER: Remuneration and Expenses of (c. 24, s. 2 (1)) 174

GIRL: Belief as to age of. See Criminal Law Amendment (c. 8, s. 2) 36

GOVERNMENT OF NORTHERN IRELAND:
Oaths: Taking of, by persons in Government employment (c. 7, s. 1) 34
School Teachers: Oaths by (c. 7, s. 2) 35

HEALTH Provision for of Scholars (c. 21, pt. VIII) 125

HEALTH RESORTS AND WATERING PLACES, limit of rate for advertising (c. 31, s. 8) 200

HIGHER EDUCATION. See Education (c. 21, pt. IV) .. 108

HOME AFFAIRS, MINISTRY OF:
Extension of Power to make advances under and for purposes of Part II. of Development and Road Improvement Funds Act, 1909 (c. 10, s. 2) 43

Power to make regulations as to procedure of councils in connection with business under Local Government (Ireland) Act, 1898, in relation to roads, etc. (c. 10, s. 3) 44

Power to acquire land for transfer to Irish Sailors and Soldiers Land Trust (c. 19) 82

Weights and Measures, power to appoint additional Inspectors (c. 2, s. 1) 9

Digitized by Google

§1. Provision for payment of money to persons constructing houses and to housing authorities 189
2. Commutation of annual payments under 9 & 10 Geo. 5, c. 45 192
3. Charge of grants and payments upon Consolidated Fund and provision for payment of annuities 193
4. Parliamentary grant in aid of repayment of certain housing loans 194
5. Amendments of law as to acquisition of small dwellings .. 194
6. Meaning of local authority 196
7. Short title, citation and construction 196

INCREASED CHARGES:
Canals (c. 1) 7

INCREASE OF RENT AND MORTGAGE INTEREST RESTRICTIONS (CONTINUANCE); To continue as respects Northern Ireland, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, until the twenty-fourth day of December, nineteen hundred and twenty-three. Ch. 16 78

INDUSTRIAL DISEASE (Workmen's Compensation) (c. 33, s. 13) 233

INFIRMARIES: County and fever hospitals (c. 31) 197

INLAND NAVIGATION UNDERTAKINGS (c. 1): Continuance of Charging Power 7

INSPECTORS OF WEIGHTS AND MEASURES; To authorise the employment of additional Inspectors for the purposes of Weights and Measures Acts, 1878 to 1919. Ch. 2 .. 9

INSURANCE: See UNEMPLOYMENT INSURANCE (c. 11) .. 45

INTOXICATING LIQUOR; To make provision for the closing on Sunday and Christmas Day of certain premises licensed for the sale of intoxicating liquor, the abolition of certain off-licences, and the settlement of claims for compensation arising thereout; to impose restrictions on the sale of methylated spirits; and to amend the law relating to the sale and supply of intoxicating liquor by retail; and for purposes connected therewith. Ch. 12. 53

§1. Closing of licensed premises on Sunday and Christmas Day.. 53
2. Abolition of certain off-licences 54
3. Provisions as to claims in respect of non-renewal of certain licences 55
4. Restrictions on sale of methylated spirits and ether .. 57
5. Extension of provisions of 1 Edw. 7, c. 27 59
6. Structural arrangements of licensed premises 59
7. Amendment and extension of existing law as to licensed premises, clubs, &c. 60
8. Forfeiture of licence and recording of convictions for certain offences 60
9. Restrictions as to the issue of new licences 61
10. Control of licensed premises on election days 63
11. Proceedings, constitution of courts and penalties under the Act and the Licensing Acts 63
12. Savings. 65
13. Construction and repeal 66
14. Short title 67
SCHEDULES 67

IRISH CIDER COMPANY: See Companies Reconstitution of Records (c. 6, sched. 1) 26

Digitized by Google

LABOUR, MINISTRY OF:
Powers of, as to Unemployment Insurance (c. 11): See UNEMPLOYMENT INSURANCE 45
LABOUR, MINISTRY OF: Powers of or provisions affecting: Workmen's Compensation (extension of Act to fishing vessels, etc.; detention of ships; fees of medical assessor, first aid, etc. (c. 33, ss. 8 11 (3) 26 (2) (3)) 228–231–242
LABOURERS ACT; To provide for the making of grants in aid of the repayment of certain loans and advances to rural district councils under the Labourers (Ireland) Acts, 1883 to 1919. Ch. 23 17
LAND: Acquisition, appropriation and disposal of for Educational purposes (c. 21, ss. 81, 82, 83) 14
LAND TRUST (POWERS); To enable the Irish Sailors and Soldiers Land Trust to carry out in Northern Ireland the purposes for which it has been established by law. Ch. 19 8
LICENCE DUTY on six-wheeled vehicles (c. 26, s. 3) .. 18
LICENCE: Non-renewal of for sale of intoxicants (c. 12, s. 3). See Intoxicating Liquor 5
LICENSED PREMISES: Structural arrangement (c. 12, s. 6) .. 5
LICENCE, NEW: Restriction on issue of (c. 12, s. 9). See Intoxicating Liquor 6
LICENSING ACTS: Proceedings, constitution of courts and penalties under (c. 12, s. 11) 6
LOANS, BORROWING, ADVANCES, &C.:
See Appropriation (c. 22), No. 2 (c. 27) 164–18
Extension of period for guarantee (c. 26, s. 9) .. 18
Ministry of Finance under Consolidated Fund and Appropriation Act (c. 3, s. 4) 1
Power of Ministry of Finance to make loans (c. 4, s. 5) .. 1
Labourers cottages for repayment of (c. 23, s. 1) See LABOURERS 17
LOANS GUARANTEE (AMENDMENTS); To amend section one of the Loans Guarantee Act (Northern Ireland), 1922. Ch. 15
Extension of time (c. 26. s. 9) 18
LOCAL AUTHORITY. See HOUSING (c. 30, s. 6) 19
LOCAL EXPENDITURE, Parliamentary grant in aid of (c. 31, s. 10) 20
LOCAL GOVERNMENT; To amend the Law relating to Local Government in Northern Ireland, and for purposes connected therewith. Ch. 31 19
§1. Amendment of law as to county infirmaries and fever hospitals 19
2. Provisions as to constitution of towns and urban districts pending the taking of a census 19
3. Limitation on power of auditor 19
4. Scale of expenses at elections of urban district councillors .. 19
5. Provisions for subscriptions to funds of rural district councils' association 19
6. Fees for holding inquiries 19
7. Expenses of local authorities in connection with war memorials 20
8. Extension of limit of rate for advertising in urban districts and towns 20
9. Effect of orders altering electoral divisions 20
10. Parliamentary grants in aid of local expenditure 20
11. Short title, construction and repeal 20
Schedules 20

Digitized by Google

Government Provisions in Northern Ireland. Ch. 10 42

LOCAL GOVERNMENT (ROADS); To amend the Law with respect to Road Expenditure in Northern Ireland, and the procedure in connection therewith. Ch. 10 42

MARRIED WOMEN:
Widow's benefit under Workmen's Compensation Act (c. 33, s. 2) 225

MASTER AND SERVANT: See Workmen's Compensation ..

MEDICAL REFREE:
Workmen's Compensation Act, assessor, certifying practitioner, &c. (c. 33, ss. 11 (3), 13, 14 (c.)) 231–234
Fees of (c. 33, s. 24) 240

MEMORANDUM OF ASSOCIATION: Registration of (c. 6, s. 1 (2)). See COMPANIES RECONSTRUCTION of RECORDS 22

MERCHANT SHIPPING: Workmen's Compensation (c. 33, ss. 8, 9 (2) (a) (c) 10 (1)) 228–229

METHYLATED SPIRITS AND ETHER:
Restrictions on sale of (c. 12, s. 4) 57

MINES: Notice of accidents in (Workmen's Compensation) (c. 33, ss. 10, 25) 229–240

MINIMUM RATES OF WAGES. See Trade Boards Act (c. 32, ss. 5-9) 206

MODEL SCHOOLS: Transfer of, to education authorities (c. 21, s. 14) 103

NATIONAL HEALTH INSURANCE:
Objection by Approved Society to registration of lump sum agreement under Workmen's Compensation Act (c. 33, s. 12 (4)) 232

NOTICE: Of Accidents Act, Amended (c. 33, s. 25), Workmen's Compensation Act (notice of accidents or of intention to end weekly payment) (c. 33, ss. 10, 25) 229–240
To restrict or end weekly Payments (c. 33, s. 14) 233

OATHS: (Promissory)
Taking of, by persons in Government employment (c. 7, s. 1) 34
School Teachers (c. 7, s. 2) 35

OFF LICENCES: Abolition of certain. See Intoxicating Liquor (c. 12, s. 2) 54

OFFENCE against Intoxicating Liquor Act (c. 12, ss. 8, 11), forfeiture of licence 60
Proceedings for (c. 12, s. 11) 63
Against Scutch Mills Act (c. 17, s. 2 (2)) 80
,, Education Act (c. 21, ss. 90, 104) 148–153
,, Trade Boards Act (c. 32, s. 15 (1) (5) (6) (11), s. 20, ss. (2), s. 23 212–217

OFFICE OF ATTORNEY GENERAL: To make further provisions with respect to the salary of the office of Attorney General for Northern Ireland, and with respect to the execution of the said office. Ch. 18 82

Digitized by Google

PENSION. See SUPERANNUATION .. .. ..

PETTY SESSIONS FEES AND ADMINISTRATION; For Dog Licences. Ch. 5 .. ..

PETTY SESSIONS CLERK: Amendments of law as to appointment, &c. of (c. 5, s. 2) .. ..

PHARMACEUTICAL CHEMIST: Licence for sale of wine by (c. 12, s. 12 (1)) .. ..

POOR RELIEF: Repayment under Workmen's Compensation Act (c. 33, s. 22) 2
Alteration of boundaries of Electoral District (c. 31, s. 9) 2

POSTMASTER-GENERAL: Powers as to insurance stamps (c. 11, s. 11) .. ..

PRINTING AND PUBLICATION OF RECORDS (c. 20, s. 7). See Public Records .. ..

PRIORITY OF DEBTS: Workmen's Compensation (c. 33, s. 19) 2

PROMISSORY OATHS; To amend the Law relating to Promissory Oaths in its application to Northern Ireland. Ch. 7

PROVISIONAL ORDER under Trades Board Act, Confirmation by Parliament necessary (c. 32, s. 2) 2

PUBLIC HEALTH:
Alteration of boundaries of Electoral District, dispensary district (c. 31, s. 9) 2
Industrial disease (Workmen's Compensation) (c. 33, s. 13) 2

PUBLIC RECORDS; To establish a Public Record Office of Northern Ireland for the reception and preservation of certain public records appertaining to Northern Ireland, and for purposes connected therewith. Ch. 20 .. ..

§1. Establishment of Public Record Office of Northern Ireland ..
2. Charge and superintendence of records, and appointment of Deputy Keeper and staff .. ..
3. Removal of accumulating records to Record Office .. ..
4. Validity of records after removal .. .. ..
5. Deposit of documents in Record Office by trustees or other persons .. ..
6. Seal of Record Office, certified copies of records, and effect of same .. ..
7. Printing, publication, sale and distribution of records, calendars, &c. .. ..
8. Power to make rules as to disposal of valueless documents ..
9. Rules for management of Record Office .. ..
10. Annual Report .. ..
11. Modification of 38 & 39 Vict., c. 59 and 39 & 40 Vict., c. 58..
12. Application of Act to Imperial records .. .. ..
13. Short title .. ..

RECORDS, Public. See Public records .. .. ..

RECORDS: Reconstitution of, relating to Companies (c. 6) ..

REGISTRATION OF CLUBS (IRELAND) ACT, 1904: Amendment (c. 12, s. 7 (2), Pt. ii, Sch. 2) .. .. ..

REFORMATORY and INDUSTRIAL SCHOOLS (c. 21, pt. X) .. 1

REGISTRATION OF DOCUMENTS of Companies (c. 6, s. 2) .. 2

Digitized by Google

REGISTERED CLUBS: Provisions as to (c. 12, sch. 2, pt. 2) .. 72
RELIGIOUS INSTRUCTION (c. 21, pt. V.) 114
Not to be inspected (c. 21, s. 87) 114
RENT AND MORTGAGE interest restrictions (c. 16) (continuance) 78
REPRESENTATION OF THE PEOPLE ACT, 1918: Amendment (c. 13) 75
ROADS ACT, 1920: Amendment (c. 26, s. 8) 183
ROADS: Maintenance (expenses of) (c. 10, s. 1) 43
ROYAL ULSTER CONSTABULARY: Special Constable over age appointment to (c. 29) 189
ROBERTSON & THOMPSON, LTD. See Companies Reconstitution of Records (c. 6, sch. 1) 26
RULES: Management of Record Office, power to make. See Public Records (c. 20, s. 9) 92
RURAL DISTRICT COUNCIL ASSOCIATION: Subscription to by R.D.C. (c. 31, s. 5) 199
SAFETY ORDERS: Workmen's Compensation (c. 33, s. 26 (3)).. 242
SAILORS AND SOLDIERS LAND TRUST: Provisions with respect to powers of Trust in Northern Ireland (c. 19) 82
SAVINGS CERTIFICATES:
Exemption from stamp duty of instruments relating to (c. 26, s. 4) 182
Charge on Consolidated Fund to meet (c. 4, s. 3) .. 15
SCHEME, under Workmen's Compensation Acts, certification of (c. 33, s. 17) 235
SCHEMES for PROVIDING EDUCATION (c. 21, pt. II) 99
SCHOOL, for afflicted children, Certification of (c. 21, s. 61) .. 134
SCHOOL Attendance (c. 21, pt. 3. VI): Committees. See EDUCATION 97–115
Entertainments: Relief from duty (c. 26, s. 2) .. 181
TEACHERS, Oath of (c. 7, s. 2) 35
Nursery (c. 21, s. 11) 102
Vacation (c. 21, s. 12) 102
SCUTCH MILLS; To regulate the disposal of by-products of flax scutching at Scutch Mills in Northern Ireland, and the conduct of business in connection with flax scutching. Ch. 17 79
SMALL DWELLINGS: Amendment of law as to acquisition (c. 30, s. 5) 194
SOLICITORS' CERTIFICATES: Exemption from Stamp Duty of Certificates of Solicitors who are civil servants (c. 26, s. 5) 182
SOLICITOR: Workmen's Compensation Act, costs of under (c. 33, s. 12 (3)) 232
SPECIAL CONSTABLES: Over age limit may be appointed to Royal Ulster Constabulary (c. 29) 189
SPECIAL CONSTABULARY: Savings from Royal Ulster Constabulary may be applied to (c. 35). See APPROPRIATION 12
SPECIAL PERIODS: See UNEMPLOYMENT INSURANCE (c. 11) .. 45
SPECIALLY APPOINTED OFFICERS: Superannuation (c. 28, 2).. 187

Digitized by Google

STAMPS (Unemployment Insurance) (c. 11, s. 11) 50

SUNDAY CLOSING, Licensed Premises (c. 12, s. 1). See INTOXICATING LIQUOR 53

SURPLUS of Public Income, Application of. See Exchequer and Financial Provisions (c. 4, s. 2) 14

SUPERANNUATION ; To give the force of Law to certain arrangements made by the Treasury of the United Kingdom with the Government of Northern Ireland, pursuant to subsection (2) of section seven of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), and to amend the Superannuation Acts (Northern Ireland), 1921 and 1922. Ch. 28 187

SUPERANNUATION of teachers (c. 21, s. 70) 138

TEACHERS : Appointment of 136
Oath by school teachers (c. 7, s. 2) 136
School (c. 21, pt. xi.) 136
Training certification of (c. 21, s. 65) 136

TERMINABLE REVENUE, Conversion of (c. 4, s. 3) 15

TOWNS : Sanitary Districts (c. 31, s. 2) 188

TRADE BOARDS ; To consolidate and amend the Law relating to Trade Boards in Northern Ireland. Ch. 32 204

APPLICATION OF ACT AND ESTABLISHMENT OF TRADE BOARDS.

§1. Application of the Act 20
2. Provisions as to Provisional Orders 20
3. Establishment of Trade Boards in trades to which Act applies 20
4. Duties and powers of Trade Boards as to reports and recommendations 20

FIXING OF MINIMUM RATES.

5. Obligation of Trade Boards to fix general minimum time-rates and piece-work basis time-rates. 20
6. Powers and duties of Trade Boards as to further minimum rates of wages 20
7. General provisions as to fixing, &c., of minimum rates by Trade Boards 20
8. Notice of, and objections to fixing cancellation or variation of minimum rates 20
9. Provisions as to orders for confirming minimum rate or cancellation or variation of rate 20
10. Permits exempting employments from the provisions of the Act 21
11. Employers not to receive premiums where minimum rates in force 21
12. Worker waiting for work on employer's premises to be deemed to be employed 21
13. Prevention of evasion 21
14. Consideration by Trade Board of complaints as to infraction of minimum rates 21
15. Penalties for not paying wages in accordance with minimum rates 21
16. Recovery of sums due to workers 21

CONSTITUTION, PROCEEDINGS, &C., OF TRADE BOARDS.

17. Constitution and proceedings of Trade Boards 21
18. Establishment of District Trade Committees 21
19. Appointment of officers 21
20. Powers of officers 21
21. Officers to produce certificates when required 21
22. Power to take and conduct proceedings. 21
23. Provisions as to legal proceedings 21

Digitized by Google

26. Expenses of carrying Act into effect 221
27. Repeal 222
28. Short title 223
Schedule of Trades to which the Act applies without provisional order 223

TRANSPORT MINISTRY OF, ACT: Extension of period for charging power (c. 1). See CANALS 7

TREASURY BILLS: See Borrowing Power, Appropriation .. ment, &c. of (c. 3, s. 4. c. 22, s. 2. c. 27, 2) .. 12, 164–185

UNEMPLOYMENT: INSURANCE .. ..

Workmen unemployed after injury, partial treated as total incapacity (c. 33, s. 16) 235

UNEMPLOYMENT INSURANCE ACT: To amend the provisions of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1922 relating to special periods, the period of benefit and the conditions for the receipt of benefit, to provide for continuing the existing rates of benefit and for making consequential alterations in the rates of contributions, to increase the total amount of advances which may be made by the Ministry of Finance for the Northern Irish unemployment fund, and otherwise to amend the said Acts. Ch. 11 .. 45

§1. Prolongation of fourth special period 45
2. Conditions for receipt of benefit in year following fourth special period 46
3. Definition of "year" for the purpose of receipt of benefit .. 47
4. Rates of benefit and rates of contribution 47
5. Amendment of s. 1 (1) of 12 & 13 Geo. 5, c. 4 48
6. Meaning of continuous period of unemployment 48
7. Amendment of Schedule II. (5) of principal Act 49
8. Recovery of sums improperly received by way of benefit .. 49
9. Power to adopt special schemes to the provisions of this Act 49
10. Amendment of s. 28 (1) of principal Act 49
11. Provision as to insurance stamps 50
12. Saving, repeal, short title, and construction 50
Schedules 51

URBAN DISTRICT: Towns Improvement Act, 1884 (c. 31, s. 2) 198

VEHICLE:
Workmen's Compensation, for person plying for hire with vehicle (c. 33, s. 9 (2) (a)) 228
Six-wheeled, duty on (c. 26, s. 3) 181

WAGES: Minimum Rates. See Trade Boards Act (c. 32, s. 5—9) 206

WAR ADDITION ACTS (Workmen's Compensation): Repealed (c. 33, ss. 1, 29 (5) sch. 2) 225–243–245

WAR MEMORIALS: Maintenance, repair and protection (c. 31, s. 7) 200

WEEKLY PAYMENTS: Workmen's Compensation, notice to restrict or to review (c. 33, ss. 14, 15) 233–235

WEIGHTS AND MEASURES: Power of Ministry of Home Affairs to appoint additional Inspectors (c. 2, s. 1) 9

WIDOWS: Payment to, under Workmen's Compensation Act (c. 33, s. 2) 225

WITNESS: Competency of husband or wife of accused (c. 9, s. 4) 40

WORKING CLASSES, HOUSING OF: See HOUSING 189

Digitized by Google

surance, the notification of accidents, first aid, and ambulance. Ch. 33. 2

AMENDMENTS OF BENEFITS UNDER PRINCIPAL ACT.
§1. Repeal of War Addition Acts 2
2. Increase of amount payable on death of workman leaving children 2
3. Increase of minimum amount of compensation in fatal cases 2
4. Variation of amount of weekly payment 2
5. Waiting period 2
6. Provision with respect to certified schemes 2

INCLUSION OF CERTAIN ACCIDENTS ARISING OUTSIDE SCOPE OF EMPLOYMENT.
7. Inclusion of certain accidents arising outside scope of employment 2

EXTENSION OF PRINCIPAL ACT.
8. Extension of principal Act to certain shore fishermen .. 2
9. Extension of definition of workman 2

AMENDMENTS AS TO PROCEDURE UNDER PRINCIPAL ACT.
10. Provisions as to notices of accidents 2
11. Provisions as to medical referees 2
12. Additional powers of county courts with respect to registration of lump sum agreements 2
13. Power to make agreements as to compensation to workmen disabled by industrial disease 2

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.
14. Restrictions on ending or diminishing weekly payments .. 2
15. Power to review weekly payments on fluctuations in rate of remuneration 2
16. Power to order partial incapacity to be treated as total incapacity in certain cases 2
17. Amendment of s. 3 of principal Act relating to certification of schemes 2
18. Amendment of s. 1 (4) of principal Act 2
19. Amendment of s. 5 of principal Act as to bankruptcy of employer 2
20. Registration of agreements compromising disputed claims .. 2
21. Definition of partial dependency 2
22. Repayment of poor relief 2
23. Minor amendments of principal Act 2
24. Provision as to fees 2

NOTIFICATION OF ACCIDENTS; FIRST AID AND AMBULANCE.
25. Notification of accidents 2
26. First aid and ambulance, and safety orders 2

SUPPLEMENTAL
27. Application of Act 2
28. Saving for matters outside powers of Parliament 2
29. Short title, construction, commencement and repeal .. 2

SCHEDULES.

YEAR: Defined for unemployment benefit purposes (c. 11, s. 3)

YOUNG PERSONS AND CHILDREN: Employment of (c 21, pt. VII.)

Digitized by Google

TABLE IV

LOCAL ACTS

A TABLE OF THE TITLES OF THE LOCAL ACTS passed during the Session (arranged according to chapter) 13 & 14 GEO. 5.—A.D. 1923.

The Titles to which the letter P is prefixed are Public Acts of a Local Character.

ROYAL ASSENT, 22nd June, 1923.

i. An Act to confer further Powers on the Belfast City and District Water Commissioners. (*Belfast Water.*)

ii. An Act to enable the Trusts of the Will of Basil M'Crea with respect to the establishment and endowment of certain Professorships, Lectureships and Scholarships in the M'CreaMagee Presbyterian College, Londonderry, to be carried out and for the alteration and modification of the said Trusts and for other purposes. (*The Basil M'Crea Endowments.*)

iii. An Act to confirm a Provisional Order of the Ministry of Home Affairs for Northern Ireland relating to the Urban District of Bangor. (*Bangor Gas Provisional Order Confirmation.*)

iv. An Act to empower the Right Honourable the Lord Mayor, Aldermen and Citizens of the City of Belfast to construct and work additional tramways within and outside the City and to execute certain works; to confer further powers upon the Corporation with reference to their Gas Undertaking and in relation to Public Health and Sanitary Matters and to the good government of the City; and for other purposes. (*Belfast Corporation.*)

Digitized by Google

THE LOCAL ACTS

13 & 14 GEORGE 5.

CHAPTER i.

An Act to confer further Powers on the Belfast City and District Water Commissioners.

[22nd June, 1923.]

WHEREAS by the Belfast Water Acts 1840 to 1920 the Belfast City and District Water Commissioners (hereinafter called "the Commissioners") were incorporated and by those Acts their powers were from time to time regulated and extended.

And whereas under the provisions of Sections 16 and 17 of the Belfast Water Act 1897 there are two ex-officio Commissioners and fifteen elective Commissioners one for each of fifteen Wards and the elective Commissioners are elected in every third year on the second Tuesday in the month of March for three years service.

And whereas by the Local Authorities (Elections and Constitution) Act (Northern Ireland) 1922 provision was made for the postponement of the election of the fifteen elective Commissioners until the second Tuesday in the month of March 1924.

And whereas it is expedient to alter the constitution of the Commissioners so that one third of the elective Commissioners shall go out of office in each year.

And whereas it is expedient to make provision for the consent of candidates to nomination for election and for the payment of a money deposit by them on nomination.

And whereas it is expedient that the Commissioners and their officers should be required to make a declaration of allegiance similar to that required of members and officers of Local Authorities by the Local Government Act (Northern Ireland) 1922.

Digitized by Google

of the Commissioners is the Local Government Register for the County Borough of Belfast together with a Supplemental Register of electors for the Suburban Districts in the Commissioners area of supply and is divided into fifteen Wards.

And whereas by Section 7 of the Local Government Act (Northern Ireland) 1922 the Ministry of Home Affairs may from time to time make orders altering the number and boundaries of the Wards of the County Borough and it is expedient that further provision should be made authorising the said Ministry to make Orders for the purpose of making the Register of Local Government Electors for the County Borough and Suburban Districts available for the purposes of election of Commissioners.

And whereas it is expedient to make provision for including in the proper Ward in the Supplemental Register of Electors the name of any person who is a local government elector in the Suburban Districts where such elector is not included in the same Ward in the register of local government electors for the County Borough.

And whereas it is expedient to authorise the Commissioners to borrow money by the issue of Bills.

And whereas the Commissioners have acquired lands which can be sold or let without detriment to their undertaking and it is expedient that the Commissioners should be authorised to sell and let such lands as in this Act provided.

And whereas it is expedient to make provision enabling the Commissioners on giving notice by advertisement to suspend the supply of water for certain purposes other than domestic purposes during times of drought or emergency.

And whereas it is expedient to make provision that hose pipes may not be used on any metered supply for watering gardens or pleasure grounds or washing house fronts without a written authority from the Commissioners.

Digitized by Google

missioners to make a charge in addition to the domestic water rate in dwelling houses partly used for carrying on a trade business or manufacture.

And whereas it is expedient to enable the Commissioners to demand the payment of contract water rates in advance.

And whereas by Section 76 of the Belfast Water Act 1865 Hospitals and Buildings set apart for charitable education were exempted from rate and charge for water and it is expedient that the exemption so granted should be varied.

And whereas it is expedient that the other powers in this Act contained should be conferred on the Commissioners.

And whereas the purposes of this Act cannot be effected without the authority of the Parliament of Northern Ireland.

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and Be it enacted by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the Belfast Water Act (Northern Ireland), 1923.

2. This Act and the Belfast Water Acts 1840 to 1920 may be cited together as the Belfast Water Acts 1840 to 1923 and shall be read and construed together as one Act.

3. In this Act the several words and expressions to which meanings are assigned by the Belfast Water Acts 1840 to 1920 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Digitized by Google

"The Act of 1865" means the Belfast Water Act 1865.

"The Act of 1874" means the Belfast Water Act 1874.

"The Act of 1884" means the Belfast Water Act 1884.

"The Act of 1889" means the Belfast Water Act 1889.

"The Act of 1893" means the Belfast Water Act 1893.

"The Act of 1897" means the Belfast Water Act 1897.

"The Act of 1912" means the Belfast Water Act 1912.

"The Act of 1920" means the Belfast Water Act 1920.

"County Borough" means the City and County Borough of Belfast.

"The Commissioners" means the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1920 and this Act.

"The Ministry of Home Affairs" means the Ministry of Home Affairs for Northern Ireland.

One-third of Commissioners to retire annually.

4.—(1) After the passing of this Act one third of the Commissioners (other than the ex-officio Members) or as near as may be to that proportion shall go out of office in each year as provided by this Section and thereupon elections of Commissioners shall be held to fill their places.

(2) On or before the first day in the month of February 1924 at a meeting summoned for the purpose the Commissioners shall select five Wards out of the fifteen Wards into which the County Borough is divided and the Commissioners representing such five Wards shall go out of office on the second Tuesday in the month of March 1924. The Commissioners shall select a further five Wards and the Commissioners representing those Wards shall go out of office on the second Tuesday in the month of March 1925 and the Commissioners representing the

Digitized by Google

shall be selected by the Secretary placing in a box the names of the fifteen Wards on separate Tickets each separately enclosed so that they may not be identified. The said Tickets shall be drawn from the Box one by one by a person previously chosen by resolution of the Commissioners for the purpose such person being in no way connected with the Commissioners. He shall declare to the meeting the name of the Ward on each ticket when he has drawn it and the name shall be recorded by the Secretary. The Commissioners who on the second Tuesday in the month of March 1924 represent the first five Wards so drawn shall go out of office on that day. The other Commissioners shall remain in office and the Commissioners who on the second Tuesday in the month of March 1925 represent the second five Wards so drawn shall go out of office on that day. The remaining Commissioners who represent the third five Wards so drawn shall go out of office on the second Tuesday in the month of March 1926.

(3) On the second Tuesday in the month of March 1924 and on the same day in each succeeding year an election shall be held in the manner provided by the Belfast Water Acts 1840 to 1920 in each of the five Wards rendered vacant by a Commissioner going out of office on that day and the Commissioners elected shall continue in office until the second Tuesday in the month of March in the third year after their election.

If any occasional vacancy shall occur in the representation of a Ward by death resignation disqualification or incapacity of the Commissioner elected for such Ward such vacancy shall be filled as provided in Section 19 of the Act of 1897.

(4) Section 17 of the Act of 1897 is hereby repealed.

5.—(1) Each person who shall be nominated for election as a Commissioner shall on or before the date and within the time prescribed for the receipt of nomination papers intimate to the Returning Officer in writing signed by himself and witnessed by two Electors who shall state their places of abode and numbers in the Register of Electors of the Ward that he consents to such nomi-

Digitized by Google

Returning Officer a sum of Twenty-five pounds; and no person shall be deemed to have been duly nominated unless his consent to the nomination has been intimated as aforesaid and the deposit has been paid to the Returning Officer. Provided that where a candidate is nominated for more than one Ward he shall make a separate deposit for each nomination and shall in no case recover more than one of such deposits.

(2) If a candidate who has made the required deposit is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled in the Ward for which he was nominated the amount deposited by him shall be forfeited to the Returning Officer and shall be applied by him towards paying the expenses of the election but in any other case that amount shall be returned to the candidate where the candidate is elected as soon as he has made the declarations required from him as a Commissioner and where the candidate is not elected as soon as practicable after the result of the election is declared.

(3) If after the deposit is made the candidate withdraws his nomination within the time prescribed for such withdrawal the deposit shall be returned to him and if the candidate dies after the deposit is made and before the poll is commenced or if a candidate who has been elected dies within the time prescribed for making the declarations required from him as a Commissioner and has not made such declarations the deposit shall be returned to his legal personal representative.

(4) For the purpose of this Section the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted in respect of an election of a Commissioner for the Ward.

Declaration of Allegiance by Commissioners and Officers.

6.—(1) A person elected as a Commissioner shall be deemed not to have accepted office unless in addition to and within the time required for making and subscribing the Declaration prescribed by Section 21 of the Belfast Water Act 1897 he has also made and subscribed the Declaration of allegiance in the form prescribed in the Schedule to this Act and if he shall fail to make and subscribe either of the said Declarations within the pre-

Digitized by Google

Secretary shall certify accordingly and the Commissioners shall forthwith cause another election to be held.

(2) Every Officer holding office at an annual salary under the Commissioners shall make and subscribe the said Declaration of allegiance :—

(a) in the case of an Officer holding office at the date of the passing of this Act within one month after that date ; or

(b) in the case of an Officer appointed after the passing of this Act within one month after his appointment.

No Officer appointed after the passing of this Act shall enter upon the duties of his office until he has made and subscribed the said Declaration of allegiance and deposited same with the Secretary. If any Officer fails to make and subscribe the Declaration within the times fixed by this Section his appointment shall be void and of no effect.

(3) The Declaration of Allegiance shall be made and subscribed before a Justice of the Peace or Commissioner to administer Oaths or where the Secretary has made the Declaration in that manner the Declaration may be made and subscribed before the Secretary.

7. If at any time the number or boundaries of the Wards into which the County Borough is divided shall be altered by an Order of the Ministry of Home Affairs pursuant to Section 7 of the Local Government (Northern Ireland) Act 1922 the Ministry shall at the same time by Order assign to each of the Wards as constituted or altered by such Order one elective Commissioner and shall specify which of the last mentioned Wards are to be the Wards with which there shall be incorporated the lands forming portion of the Commissioners' District of Supply which are not included within the Boundary of the said County Borough and the provisions of Part 3 of the Belfast Water Act 1897 as amended by this Act with respect to the number of elective Commissioners shall have effect as varied by such Order. A Commissioner representing any altered Ward shall continue in Office until the date when he would have gone out of office if the Ward had not been altered and the Order shall provide

Digitized by Google

wards.

Ministry of Home Affairs to make Orders adapting Registers of Local Government Electors.

8. The Ministry of Home Affairs may from time to time make revoke or vary Orders for the purpose of making available Registers of Local Government Electors for the County Borough and Suburban Districts for the purposes of the Commissioners' elections.

Electors names not to be duplicated in Registers

9.—Sub-Section (1) (D) (IV) of Section 55 of the Act of 1899 is hereby repealed and the following provisions are substituted therefor.

(a) When the name of an Elector appears in the Supplemental Register of Electors in any Ward and the name of the same person appears in the Register of Local Government Electors for the same Ward in the County Borough the Revising Officer shall on being satisfied that both such entries relate to the same person expunge from the Supplemental Register of Electors for that Ward the name of such person.

(b) When the name of an Elector appears more than once in the Supplemental Register of Electors in the same Ward the Revising Officer shall on being satisfied that such entries relate to the same person retain one of the entries and expunge the other or others from the Supplemental Register of Electors for that Ward.

Power to issue bills and promissory notes.

10.—(1) The Commissioners may subject to the approval of the Ministry of Finance for Northern Ireland exercise any of their powers of borrowing money by the issue of Bills or promissory notes signed by two Commissioners and countersigned by the Secretary or such other person as may be appointed by the Commissioners provided that so long as and to the extent of the amount to which for the time being any such bills or promissory notes shall be outstanding in respect of any statutory borrowing power the power by this section conferred shall be in substitution for the power which the Commissioners now or at any time hereafter shall possess of raising money in respect of such statutory borrowing power by means of mortgages or the issue of stock or otherwise provided also that the total amount of such bills or promissory notes which shall be issued by the Commissioners

Digitized by Google

on bills issued shortly before any other bills fall due in order to pay off such last mentioned bills.

(2) A register of the bills or promissory notes issued or renewed by the Commissioners and outstanding under this section shall be kept by the Secretary or such other person as may be appointed by the Commissioners for this purpose and such register shall show the amount of each bill or promissory note the names of the persons by whom it is signed the dates of issue the date when the same falls due and the date of payment thereof. Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Commissioners.

(3) The Commissioners shall make regulations with respect to the form preparation mode of issue and of payment discharge and cancellation of bills or promissory notes issued or renewed under the powers by this section conferred on the Commissioners and shall furnish to the Ministry of Finance a copy of all regulations made under this Sub-Section.

(4) Moneys borrowed on the bills and promissory notes issued under the powers of this section are hereby declared to be capital moneys within the meaning of the Belfast Water Acts 1840 to 1923.

Po
sel
lan

11.—(1) If in the opinion of the Commissioners any lands forming part of their undertaking have ceased to be required for the purposes of the undertaking they may offer for sale by public auction or by tender after advertisement and sell such lands on such conditions as they think fit and the same shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

(2) If in the opinion of the Commissioners any lands forming part of their undertaking can be let without interfering with the management of their undertaking and without risk to the purity of the water supply the Commissioners may let such lands or any part thereof for such periods not exceeding twenty-one years and at such rents and upon such terms and conditions as they may think fit.

(3) All moneys which shall be received by the Commissioners by way of purchase money or fine shall be

Digitized by Google

applicable under the Belfast Water Acts and all moneys received by way of rent shall be applied as part of the revenue of the Commissioners.

(4) On such sale or letting a certified copy of a Resolution of the Commissioners authorising or confirming such sale or letting shall be sufficient evidence of the powers of the Commissioners to make such sale or letting.

Superannuation allowances.

12. Section 22 (2) of the Act of 1920 (Superannuation allowances to Officers and servants) is hereby amended by the substitution of the words " annual earnings " for the expression " annual salary " contained therein and the words " annual earnings " for the purpose of that Section shall include salaries fees emoluments and wages and the said section shall be read and construed accordingly.

Notice by advertisement suspending supplies by agreement.

13. Notwithstanding anything contained in any agreement license or permit made or granted by the Commissioners for the supply of water for other than domestic purposes notice to suspend the supply of water for all purposes or for any particular class of purpose under such agreement license or permit or to restrict the hours of such supply may be given by advertisement published not less than seven days before such suspension in two or more newspapers published or circulating in the Commissioners' District of Supply.

Provided always that no such advertisement shall be published unless and until the Commissioners shall have passed a resolution declaring that in their opinion the supply of water for domestic purposes is being endangered by the continuance of supplies by agreement license or permit in consequence of drought or injury to the works of the Commissioners or other unavoidable cause.

Hose pipes not to be used for certain purposes without consent of Commissioners.

14. Notwithstanding the provisions of Sec. 58 of the Act of 1893 a hose pipe shall not be used on any metered supply for watering gardens or pleasure grounds or washing house fronts without the written consent of the Commissioners and any person who contravenes this enactment shall be guilty of an offence and for every such offence forfeit and pay to the Commissioners a penalty not exceeding Forty Shillings to be recoverable in a summary manner at the instance of the Commissioners.

Digitized by Google

with water otherwise than by meter any building used by an occupier as a dwelling-house whereof any part is used for any business trade or manufactory but the Commissioners may on the application of the occupier supply such building with water by meter at such price and on such terms as may be agreed or in case of difference as may be determined by the Recorder of the City of Belfast whose decision shall be final.

16. Notwithstanding anything contained in Section 88 of the Act of 1865 the Commissioners may demand payment in advance of the contract water rates other than the rate payable on a Contract for the supply of water by meter.

17. The provisions of Sec. 76 of the Act of 1865 in so far as they relate to messuages tenements buildings and hereditaments within the Borough set apart and appropriated or to be set apart and appropriated as public charities for the purpose of charitable education and for the accommodation of the objects of such charities and of the officers and others belonging thereto and actually residing therein are hereby repealed.

Provided that nothing in this Section shall diminish or affect the rights of the Belfast Charitable Society under the said Section 76 of the Act of 1865.

18. The Exemption granted by Sec. 76 of the Act of 1865 to Churches Chapels Meeting Houses buildings and hereditaments set apart and appropriated for the purpose of Religious Worship within the Borough shall extend to all similar buildings within the Commissioners' District of Supply.

19. The exemption of Hospitals from water rate and water charges provided by Sec. 57 of the Act of 1884 shall apply only to Hospitals directed by a public trust or committee of management without individual profit and which do not receive any grant or aid for maintenance from local rates or State grants. All hospitals other than the before mentioned shall be entitled to be supplied with water only by meter or by agreement.

20. All costs charges and expenses of and incident to the preparing obtaining and passing of this Act or

Digitized by Google

by the Taxing Officer of the Parliament of Northern Ireland) shall be paid by the Commissioners out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1920 and this Act and if paid out of borrowed money shall be repaid within five years from the passing of this Act.

BELFAST WATER.

SCHEDULE

FORM OF DECLARATION OF ALLEGIANCE.

I.....hereby declare that I will render true and faithful allegiance and service to His Majesty King George the Fifth his heirs and successors according to law and to His Government of Northern Ireland.

.....

Dated this day of

CHAPTER ii.

An Act to enable the Trusts of the Will of Basil McCrea with respect to the establishment and endowment of certain Professorships Lectureships and Scholarships in the McCrea Magee Presbyterian College Londonderry to be carried out and for the alteration and modification of the said Trusts and for other purposes.

[22nd June, 192:

WHEREAS Basil M'Crea then of No. 10 Upper Crescent in the City of Belfast Contractor by his last Will in writing dated the 15th day of July 1898 and duly executed and attested appointed Joseph Fitzgerald Cook Joseph Humphrey McConnell and John Kelso Reid to be the Executors and Trustees of his Will and after bequea

Digitized by Google

paid to each of them during such time as they should continue to act as Trustees in the execution of the Trusts of his Will devised and bequeathed all his real and personal estate not thereby or by any Codicil otherwise specifically disposed of unto the said Trustees Upon Trust to sell the real estate including chattels real and call in and convert into money such part of his personal estate as did not consist of money and after giving various directions as to the manner in which the said conversion was to be carried out and as to the investment of the proceeds thereof after the payment out of the said proceeds of his funeral and testamentary expenses debts and legacies and declaring that the Trustees might retain any securities or investments which he might be possessed of at the time of his death proceeded as follows (that is to say):

"AND I DECLARE that the Trustees or Trustee shall "stand possessed of the investments hereinbefore directed "to be made or authorised to be retained and hereinafter "called the Trust Fund and of the annual income thereof "Upon the Trusts following that is to say:—UPON "TRUST to pay the said income to my sister Rebecca "Jane McCrea during her life for her separate use without "power of anticipation during any coverture and after "her death then I direct that the Capital and Income of "the said Trust Fund shall be held in Trust to assign and "transfer to "The Trustees of the Magee Presbyterian "College, Londonderry" duly Incorporated in pursuance "of the provisions of the Educational Endowments (Ire-"land) Act, 1885, if the last named trustees have then "Agreed under their Corporate Seal to accept and give "effect to the trusts hereinbefore declared such portion "of the said Trust Fund as shall not consist of lands "tenements and hereditaments and also if and so soon "as they shall be duly authorised to convey such portion "of the Trust Fund as shall consist of Lands tenements "and hereditaments to the trustees of the Magee Presby-"terian College Londonderry and the last named Trustees "shall be duly authorised to hold the same convey and "assign such lands and hereditaments to the last men-"tioned Trustees to be held by them upon the trusts "and for the intents and purposes hereinafter mentioned.

"I EMPOWER my sister during her life by deed "under her hand and not otherwise to appoint a new "trustee or new trustees of this my Will PROVIDED

Digitized by Google

shall be reduced to a single trustee then and in such cas
" I direct that such single trustee shall if the Trustees o
" the College shall then have duly accepted the Trusts o
" this my Will as hereinafter contained and shall hav
" become competent to hold such portion of the trus
" estate as shall consist of lands tenements and heredita
" ments convey and assign the trust estates and Funds i
" like manner as I have before directed to be done afte
" the death of my said sister so as to vest the same effe
" tually in the Trustees of the Magee Presbyterian Colleg
" Londonderry to be held by them on the trusts herei
" after declared and no others. AND I DECLARE tha
" the trustees of the Magee Presbyterian College Londo
" derry shall stand possessed of the Trust Fund UPO
" TRUST to apply a sum not exceeding Fifteen thousan
" pounds of the capital of the trust fund in purchasi
" or otherwise providing Sites for additional buildings
" Vacant Spaces such as may be required for the sa
" College and in erecting thereon Lecture rooms, Labor
" tories or Museums, Libraries, or some or all of them
" building or otherwise providing Chambers for the occ
" pation of Students in the said College, or in providi
" Sewers Drains Rights of Way and other easemen
" necessary for the convenient enjoyment of the prese
" or future Buildings of the College or the Vacant Spac
" aforesaid or in repairing or enlarging all or any of su
" Buildings or in equipping or furnishing the same wi
" all necessary furniture and appliances. And subject
" the trust last mentioned I direct that the said Tru
" Fund shall be held ON TRUST to apply the inco
" thereof to the several purposes and in the order a
" priority of application hereinafter mentioned that is
" say :—

" FIRST in the foundation and Endowment of Th
" Professorships in connection with the Literary a
" Scientific Department of the College one to be sty
" " The McCrea Professorship " and the holder of wh
" shall be styled " The McCrea Professor " another to
" styled " The William Archer Butler Professorship " a
" the holder thereof shall be styled " The William Arc
" Butler Professor " and another to be styled " The He
" Wallace Professorship " the holder of which shall
" styled " The Henry Wallace Professor " the said th
" Professors to devote themselves to the study resea
" teaching and lecturing in such subjects connected v

Digitized by Google

" as shall be assigned to them by the Faculty of the said
" College for the time being each Professor to be elected
" in the manner and to be entitled to the privileges and to
" hold his office on the tenure and subject to the condi-
" tions hereinafter mentioned and to receive during the
" tenure of his office the annual stipend of Three hundred
" pounds to be paid in quarterly payments as in the case
" of the existing Professors of the said College
" AND IN THE NEXT PLACE and subject and without
" prejudice to the foregoing payments to apply the In-
" come of the Trust fund in the Foundation and Endow-
" ment of two Lectureships to be styled " The McCrea
" Lectureships " in connection with the Literary and
" Scientific Department of the College the holders whereof
" shall be styled " The M'Crea Lecturers " each of such
" Lecturers to receive an annual salary not exceeding one
" hundred and fifty pounds by quarterly payments and
" to be elected in the manner for the term and subject to
" the conditions hereinafter mentioned and whose duties
" shall be to deliver oral lectures on and to act as Assistant
" Professors in such subjects connected with the said
" Literary and Scientific Department of the College and
" discharge such other duties in relation to the said De-
" partment as shall be assigned to them by the Faculty
" of the College for the time being. AND in the NEXT
" PLACE and subject and without prejudice to the fore-
" going payments to pay to each of the present Professors
" in the Literary and Scientific Department of the said
" College and to all future Professors holding the same
" office in succession to them such annual sum as may be
" required with the stipend for the time being payable to
" them respectively out of the Magee and Dill Endow-
" ments to provide for each of them during the tenure
" of his office an annual sum of Three hundred pounds as
" the annual stipend of such Professors. AND IN THE
" NEXT PLACE and subject and without prejudice to
" the foregoing payments to apply the annual sum of Two
" hundred pounds either in repairing and keeping in good
" repair the buildings of the said College and all the ser-
" vitudes and easements connected therewith or in main-
" taining the necessary furniture and equipments for the
" Lecture rooms, Class rooms, Museums or Laboratories
" connected with the said Department or in keeping the
" buildings and premises insured against fire or other
" accident or in making additions to the Library or
" Museum of the said College or in providing and keeping

Digitized by Google

nasium or a Racket Court or Tennis Court or ground
" appropriated for exercise or athletic sports or some o
" the foregoing objects or any purpose similar or ana
" logous to the foregoing objects or any of them or in dis
" charge of the costs or expenses incidental to the man
" agement improvement or maintenance of the sai
" College or of the Buildings and Lands used in connectio
" therewith.

" AND in the NEXT PLACE and subject and witl
" out prejudice to the foregoing payments to apply an
" nually the sum of Five hundred pounds or such lesse
" sum as may be available for the purpose in foundin
" Two Scholarships to be called " The McCrea Literar
" Scholarship " and " The McCrea Science Scholarship
" the holders whereof shall receive a sum of One hundr
" pounds and be styled " The McCrea Literary Scholar
" and " The McCrea Science Scholar " to be compete
" for by students of the said College in the third ye
" of their Collegiate course, the McCrea Literary Schola
" ship to be awarded for distinguished proficiency in o
" or more branches of Literature and the McCrea Scien
" Scholarship for distinguished proficiency in one or mo
" branches of Science, and the residue of the sum of Fi
" hundred pounds or of such lesser sum as aforesaid
" be applied in founding Prizes to be called " The McCr
" Prizes " of such amounts for proficiency in such subje
" connected with the Literary and Scientific Departme
" of the College respectively and subject to such con
" tions as shall be prescribed from time to time by t
" Faculty of the College each Scholarship and Prize
" be awarded by the Faculty of the College to such qua
" fied candidates respectively according to their relat
" order of merit in each such branch to be tested at su
" examinations as shall be prescribed and arranged
" the Faculty of the College. AND in the NEXT PLA
" and subject and without prejudice to the forego
" payments to invest any surplus which after satisfy
" the foregoing payments and any expenses incident
" the execution of the trusts hereby created shall fr
" time to time remain in their hands of the yearly prod
" of the said Trust Fund in or upon the Stocks Funds
" Securities hereinbefore mentioned with the same po
" of transposition as accompanies such direction and
" similar investments to accumulate at compound
" terest the income of the aggregate fund until such agg

Digitized by Google

" pounds and thereupon to stand possessed of such sum
" of Five thousand pounds and the securities upon which
" the same shall be invested Upon Trust to apply the
" same or so much thereof as may be required in acquiring
" Sites for the purpose of building erecting and complet-
" ing thereon Chambers suitable for the residences of
" Students attending the said College which Chambers
" when completed shall receive the distinctive name of
" " The McCrea Chambers " and in keeping the same in a
" proper state of repair and in providing the necessary
" furniture and equipments for such Chambers. AND
" in the NEXT PLACE and subject and without prejudice
" to the foregoing payments to retain any surplus which
" may remain in their hands after satisfying the aforesaid
" Trusts and all expenses incident thereto and to the
" establishment and execution of all of the Trusts hereby
" declared to be applied by them for the benefit of the
" College in such manner as they in the exercise of their
" uncontrolled discretion shall deem most advisable. I
" DIRECT that the selection and appointment of persons
" to fill the places of McCrea Professor and of William
" Archer Butler Professor and Henry Wallace Professor
" and of the McCrea Lecturers be conducted in the follow-
" ing manner—a Committee shall be formed to be called
" " The Committee of Selection " who shall be composed
" of the following members :—The President of Faculty
" of the College, the Professors in the Arts Department
" of the College, the Moderator for the time being of the
" General Assembly of the Presbyterian Church in Ireland,
" the Head Master or Head Masters of Foyle College
" Londonderry for the time being the Trustees for the
" time being of the said Magee Presbyterian College
" Londonderry and the Trustees hereby nominated or
" such of them as shall continue to act in any of the
" Trusts of this my Will and at all meetings of the Com-
" mittee of Selection the President of the Faculty of the
" College if present shall be the Chairman and in case of
" his absence the members present shall elect a Chairman
" and every Chairman shall in addition to his own vote as
" a member of the Committee have a casting vote and the
" names of all candidates for the appointments of McCrea
" Professor or William Archer Butler Professor or Henry
" Wallace Professor or of the McCrea Lecturers shall be
" submitted to the said Committee of Selection who shall
" proceed in accordance with such Rules and Regulations
" as shall be laid down by them to consider the qualifica-

Digitized by Google

" then existing in all or any of the said Professorships o
" Lectureships and to select the most suitable candidat
" or candidates to fill the said vacancy or vacancies an
" such candidate or candidates as shall be selected by th
" majority of the votes of the said Committee to fill th
" said vacancy or vacancies shall be deemed to be dul
" appointed thereto. It is my wish and desire that th
" Trustees of the College may take the necessary step
" to have the M'Crea Professor the William Archer Butl
" Professor and the Henry Wallace Professor admitte
" as members of the Faculty of the College and placed o
" an equality in all respects in relation thereto with th
" now existing Professors in the Literary and Scientif
" Department of the College and to hold their Professo
" ships upon the same tenure with the like right to Cla
" fees and subject to the like control and regulations
" the last named Professors are by virtue of the sa
" Scheme. I desire that the said McCrea Lecturers sh
" hold office for a term of Five years and shall not be ca
" able of being re-elected and shall discharge such dut
" and be subject to such regulations as shall be attach
" to the said Lectureships by the Faculty of the Colle
" and the Faculty of the College shall prescribe the dut
" to be performed by and the subjects to be assigned
" each of them the McCrea Professor William Arc
" Butler Professor and Henry Wallace Professor. A
" WHEREAS the several provisions herein before c
" tained for the establishment of Professorships a
" Lectureships in the said College may not be capable
" being effected without the aid of an Act of Parliame
" I hereby authorise the trustees of this my Will for
" time being to apply for an Act of Parliament for
" purpose of authorising the Foundation and Endown
" of such Professorships and Lectureships as are be
" mentioned and either upon the terms and condit
" hereinbefore stated or with such alterations and mo
" cations thereof as they may think fit and of obtai
" additional powers and facilities for carrying into e
" the objects of my Will and otherwise in relation the
" as to the said Trustees shall seem meet or to co
" with the Trustees of the Magee Presbyterian Co
" in procuring or promoting an Act of Parliament
" effecting all or any of the foregoing purposes. A
" declare that the costs and expenses of applying for
" such Act of Parliament and of obtaining the
" whether alone or in concurrence with any other per

Digitized by Google

" therewith or consequent thereon shall be paid as part of
" the expenses incident to the Trusts of this my Will.
" PROVIDED ALWAYS that in case within the period of
" five years from the time of my decease or within five
" years from the death of my said sister should she survive
" me the said Professorships shall not have been effectu-
" ally founded and accepted by the Trustees of the said
" College in pursuance of the Trusts of this my Will or no
" Act of Parliament shall have been obtained authorising
" the foundation of such Professorships and Lectureships
" in accordance with the Trusts and provisions herein-
" before contained or such modification thereof as my
" trustees hereby nominated shall have approved then
" and in every such case I revoke and make void all the
" Trusts hereinbefore declared subsequent and in re-
" mainder to the trusts for the benefit of my sister Rebecca
" Jane McCrea for her life. And I direct that the Trustees
" of this my Will shall hold the Trust Fund in Trust for
" the persons who at the determination of the said re-
" spective periods of five years as each may be the opera-
" tive period as aforesaid shall be next-of-kin of me and
" who under the Statutes for the distribution of the
" personal estate and effects of Intestates would be then
" entitled to my personal estate."

AND WHEREAS the Testator then of No. 50 Cliftonville Road in the City of Belfast by a Codicil to his Will dated the 28th day of March, 1903 and duly executed and attested bequeathed a legacy of Five thousand pounds sterling to Basil Alexander Talbot McFarland and after giving directions as to the conditions upon which and the time when the said legacy should be paid and the manner in which the Trustees of the Will should provide for the payment of the said legacy he proceeded as follows that is to say :—

" AND WHEREAS in the said Will I have declared that
" the Trustees of the Magee Presbyterian College London-
" derry should stand possessed of the Trust funds by the
" said Will directed to be transferred to them upon certain
" trusts and in the priority of trusts as in the said Will set
" forth and among others upon a Trust (being the first
" Trust in point of priority) in a clause empowering them
" to apply a sum not exceeding Fifteen thousand pounds
" of the capital of the Trust fund in purchasing or other-
" wise providing Sites for additional buildings or vacant

Digitized by Google

in erecting thereon Lecture rooms and other buildin
" as in the said Clause mentioned : Now I hereby decla
" that the said Clause is to be read as if the words " n
" exceeding Twelve thousand pounds " were substitut
" for the words " not exceeding Fifteen thousand pound
" in the said Clause mentioned AND WHEREAS
" another Clause being the last but one in priority
" Trust I have in my said Will directed and declared th
" the Trustees of the said College should stand possess
" of portion of the funds, that is to say, a fund in the sa
" Will called an aggregate fund of Five thousand poun
" Upon Trust to apply the same or so much thereof
" might be required in acquiring Sites for the purpose
" building erecting and completing thereon Chamb
" suitable for the residence of Students to be called " T
" McCrea Chambers." Now I hereby will and direct th
" the said trustees of the said College after the said Fu
" called the aggregate fund has reached Five thousa
" pounds as in the Will directed shall apply the said su
" of Five thousand pounds or so much thereof as they
" their discretion shall from time to time think right
" in the Will directed for the purpose of building erecti
" and completing the McCrea Chambers and they sh
" continue the accumulations in the Will directed in t
" way directed in the Will until an additional sum of T
" thousand pounds over and above the said sum of F
" thousand pounds has been accumulated and this
" ditional sum of Two thousand pounds shall be appl
" to increase the fund for the building and completing
" Lecture rooms and the other buildings for which
" sum of Fifteen thousand pounds was provided in
" Will cut down by this Codicil to Twelve thousa
" pounds so that the entire fund for building Lect
" rooms and the other buildings shall reach Fourt
" thousand pounds but the extra Two thousand pou
" shall be applied in the priority in this Codicil provi
" for AND WHEREAS by the said Will I have gi
" certain funds for Scholarships and Prizes I hereby di
" and declare that the Faculty of the College may w
" hold any Scholarship or Prize in case they think t
" no competing student has shown sufficient merit at
" examination to deserve such Scholarship or Prize
" any sum so withheld may be dealt with by the trus
" of the College under the general power in the said
" lastly conferred upon them. I FURTHER WILL
" DIRECT that each investment to be made by

Digitized by Google

Trustees of the Magee Presbyterian College Londonderry unless and until the Trustees of the said College shall have declined or omitted to signify to my said Trustees their acceptance of the trusts of my Will and their undertaking to co-operate with my said Trustees as hereinafter mentioned within the period hereinbefore mentioned Provided always if the said Trustees of the Magee College refuse or neglect within a month after notice has been given to them of any intended investment to take any steps in reference thereto or in case of their disapproval of such intended investment to indicate some suitable and proper investment then the Trustees of my Will shall proceed according to their own discretion in accordance with the terms of my Will. I FURTHER WILL and direct that it shall not be obligatory on my trustees to employ John Kelso Reid as their Solicitor but they shall have full power to employ him or any other Solicitor for all or any particular part of the professional work connected with my estate as they may think right, but in case the said John Kelso Reid is employed he shall be paid as in the said Will is directed. I FURTHER WILL and DIRECT that the Clause in my Will as to what should become of my estate in the event of the non-carrying out of the trusts of my Will for the benefit of Magee College within five years after my death or the death of my sister be modified as follows—I direct that the said Clause or provision in my said Will shall become operative in case the Trustees of the College do not intimate to my said Trustees their acceptance of the Trusts of my said Will and of this Codicil thereto regarding and concerning the said College and undertake to co-operate with my said Trustees to give due effect to same such acceptance and undertaking to be given within the period of two years next after my decease in place of the condition named in my said Will, and I further direct that in case such acceptance and undertaking be not given within such period of two years after my death my said sister shall have power to dispose of my said estate absolutely by her Will, and it is only in case she shall not so dispose of it by will it is to go (in the event happening) to my next of kin as in the Will mentioned."

AND WHEREAS the Testator then of No. 50 Cliftonville Road in the City of Belfast by a second Codicil to his Will and Codicil dated the 20th day of

Digitized by Google

the appointment in his said Will of Joseph Young Fitz
gerald Cooke and Joseph Humphrey McConnell a
Executors and Trustees of his Will and nominated an
appointed John Ramsey Hastings of Foyle Street in th
City of Londonderry Merchant and Thomas Patton
Trinity College in the City of Dublin Barrister at Law t
be the Executors and Trustees of his said Will and Codici
along with John Kelso Reid in the said Will named ar
directed that his said Executors and Trustees there
named should have and be entitled to all the powers ar
discretions conferred upon his Executors and Truste
by his said Will and Codicil which should be taken ar
read as if the said John Ramsey Hastings and Thom
Patton had been therein named as Trustees in place of t
said Joseph Young Fitzgerald Cooke and Joseph Hu
phrey M'Connell and in all other respects he confirm
his said Will and Codicil:

AND WHEREAS the Testator then of No.
Cliftonville Road in the City of Belfast by a third Codi
to his Will and two Codicils dated the 14th day of Nove
ber, 1905 and duly executed and attested after reciti
his intention in his lifetime to transfer to the Trustees
the Magee Presbyterian College Londonderry cert
funds and securities to be held by them upon cert
trusts and amongst others in trust to establish and end
a Professorship in connection with the said College to
known as the "McCrea Professorship" and which
intended to take the place of the McCrea Professors
mentioned in his Will proceeded as follows (that is
say):—

"Now I hereby Will and direct that my said Will and
"Codicils thereto shall throughout be taken and read a
"only the two Professorships therein called "the Will
"Archer Butler Professorship" and "the Henry Wal
"Professorship" were therein mentioned and I her
"revoke all the provisions in my said Will and Cod
"contained with regard to the McCrea Professors
"therein mentioned save and except only the direct
"in my said Will contained for the election of the
"Professors which said provisions as to election I her
"Will and direct shall be substituted for the provision
"to the election of the McCrea Professor contained in
"said Trust Deed which I intend to execute in my lifet
"for the endowment of the McCrea Professorship it b

Digitized by Google

" Trust Deed contained the three Professors to be known " as " the McCrea Professor " " the William Archer " Butler Professor " and " the Henry Wallace Professor " " shall be from time to time nominated and appointed " as in my said Will mentioned from and after such time " as the Trusts in my said Will contained for the appoint- " ment of the said last mentioned two Professors shall " have been operative. I FURTHER WILL and " DIRECT that the Trust in my said Will contained for " increasing the Stipend of the several Professors in the " Literary and Scientific Department of the said College " to the sum of Three hundred pounds per annum each " shall extend and apply to and include the said McCrea " Professor for the time being. In all other respects I " confirm my said Will and also the Codicils thereto dated " the 28th March 1903 and the 20th December 1904 " respectively."

AND WHEREAS the Testator died on or about the 5th day of May 1907 without having revoked or altered his said Will save by the said Codicils and without having revoked or altered the said Codicils.

AND WHEREAS on the 19th day of November 1907 Probate of the said Will and three Codicils was granted forth of the Principal Registry of the High Court of Justice in Ireland Kings Bench Division (Probate) to John Kelso Reid John Ramsay Hastings and Thomas Patton the Executors and Trustees named in the said Will and Codicils.

AND WHEREAS the said Rebecca Jane McCrea died on or about the 24th day of January 1920:

AND WHEREAS the said John Kelso Reid died on or about the 21st day of April 1921:

AND WHEREAS the Trustees of the Magee Presbyterian College by a document under their corporate seal bearing date the 26th day of April 1909 intimated to the Executors of the said Will and Codicils their acceptance of the Trusts of the said Will and Codicils thereto regarding and concerning the said College and undertook to co-operate with the said Executors to give due effect to the same:

AND WHEREAS the Magee Presbyterian College Londonderry was in or about the year 1852 established by

Digitized by Google

Ireland under the provisions of a Scheme sanctioned b
the Lord Chancellor of Ireland on the 27th day of Marc
1852 :

AND WHEREAS the Educational Endowments
and belonging to the College are held governed an
managed and applied for the purpose with the powe
under the conditions and provisions and in the mann
set forth in a Scheme (No. 23) framed under the Educ
tional Endowments (Ireland) Act 1883 and dated the 8
day of February 1888 (hereinafter called the Origin
Scheme) :

AND WHEREAS the said Educational Endo
ments include a certain Endowment under the Will
Martha Maria Magee (hereinafter called the Magee E
dowment Fund) :

AND WHEREAS on the 6th day of July 1888 t
Lords Justice General and General Governors of Irela
by Order in Council declared their approbation of t
original Scheme :

AND WHEREAS it was by the Original Sche
provided that the same might be altered from time
time by the Commissioners of Charitable Donations a
Bequests for Ireland in any manner whatsoever upon
joint application of the Trustees and the Faculty of
College with the sanction of the General Assembly or up
the application of the General Assembly :

AND WHEREAS on the application of the s
Trustees and the Faculty of the College (with the sanct
of the General Assembly) and by the said General
sembly the Commissioners of Charitable Donations a
Bequests for Ireland on the 21st day of April 1909 ma
an Order that from and after the date of the said Or
the Original Scheme should be altered and amended s
to give effect to the provisions of the amended Sch
set forth in the appendix thereto annexed and that
Scheme for the future government of the College and
the application and management of the endowm
thereof should be the said amended Scheme set forth
the Appendix thereto annexed anything in the Orig
Scheme contained to the contrary notwithstanding :

AND WHEREAS on the 1st day of August 1911
said Trustees and the Faculty of the College with

Digitized by Google

Commissioners of Charitable Donations and Bequests for Ireland to alter the Scheme of the Endowment so that the name thereof should be changed from the Magee Presbyterian College Londonderry to the McCrea Magee Presbyterian College Londonderry in view of the munificent benefactions of the testator to the College:

AND WHEREAS on the 13th day of December 1911 the said Commissioners made an order that from and after the date of the said Order the name of the said Endowment should be the McCrea Magee Presbyterian College Londonderry and that the said Scheme should be altered so that whenever the words Magee Presbyterian College Londonderry appeared the words McCrea Magee Presbyterian College Londonderry should be substituted therefor:

AND WHEREAS in order to carry out the trusts of the Will of the Testator it has become necessary to make application to the Ministry of Finance for Northern Ireland to frame a further Amending Scheme for the government of the College and for the application and management of the Endowments thereof:

AND WHEREAS the annual stipends directed by the Will to be paid to the Professors and Lecturers therein mentioned would now be an inadequate remuneration for the services of properly qualified Professors and Lecturers, and it has become necessary that the trusts of the Will with respect to the establishment and endowment of the said Professorships and Lectureships should be altered and modified in order that the same may be adequately endowed:

AND WHEREAS the stipends of the existing Professors of the College are at present inadequate and it is desirable that they should be increased:

AND WHEREAS more suitable candidates for the McCrea Lectureships would be forthcoming if the Lectureships could be held for a longer period than five years and the holder of the Lectureship could be re-elected for a further period:

AND WHEREAS it is desirable that the Faculty should have power to withhold a portion of the McCrea Scholarships if sufficient merit is not shown:

Digitized by Google

for the exercise of discipline over the McCrea Lecture
or for their dismissal for misconduct:

AND WHEREAS having regard to the foregoi
and to the general intention of the Testator to bene
the College it is expedient that the provisions of this A
made with respect to the Establishment and Endowme
of the Professorships Lectureships and Scholarships in t
Will mentioned should be made:

AND WHEREAS the surviving Executors a
Trustees of the Will have concurred with the Trustees
the College in procuring and promoting this Act as auth
ised by the Will so to do:

AND WHEREAS the objects of this Act cannot
obtained without the authority of the Parliament
Northern Ireland:

MAY IT THEREFORE PLEASE YO
MAJESTY That it may be enacted and be it enacted
the Kings most Excellent Majesty and the Senate
House of Commons of Northern Ireland in this pres
Parliament assembled and by the authority of the s
as follows (that is to say):

Short title.

1.—This Act may for all purposes be cited as "
Basil McCrea Endowments Act (Northern Ireland), 19

Definitions.

2.—In this Act unless the context otherwise
quires—The expression "the Will" means the Wi
Basil McCrea and includes the three Codicils thereto

The expression "the General Assembly" means
General Assembly of the Presbyterian Church in Irela

The expression "the Scheme of the College" m
the amending Scheme framed by the Commissioner
Charitable Donations and Bequests for Ireland unde
Educational Endowments (Ireland) Act 1885 for the fu
government and management of the Educational En
ments of and belonging to the Magee Presbyterian Col
Londonderry, and includes the Amending Scheme (N
whereby the name of the College was changed t
McCrea Magee Presbyterian College, Londonderry.

The expression "the College" means the Mc
Magee Presbyterian College Londonderry.

Digitized by Google

Archer Butler Professorship the Henry Wallace Professorship the McCrea Lectureship and the McCrea Scholarship shall be altered and modified in accordance with the provisions of this Act.

4.—On the establishment of the William Archer Butler Professorship and the Henry Wallace Professorship the number of Professors in the College shall not be increased but the said Professorships shall be substituted for the two Professorships of the Literary and Scientific Department of the College the stipends of which are chargeable upon the Magee Endowment and one of the holders of such Professorships at the time of such substitution shall be appointed to the William Archer Butler Professorship and the other holder of such Professorship shall be appointed to the Henry Wallace Professorship.

5.—The Professors so appointed to the William Archer Butler Professorship and the Henry Wallace Professorship shall cease to receive stipend from the Magee Endowment save as herein provided and the portion of the Magee Endowment theretofore applied for the payment of such stipends shall be applied for the purpose of augmenting the stipends of the existing Professors of the College and their successors including the William Archer Butler Professor and the Henry Wallace Professor in such manner and in such amounts as the amending Scheme hereinafter provided for shall direct and for such other purposes as the Trustees of the College shall from time to time determine.

6.—It shall be lawful to establish one McCrea Lectureship instead of two and such McCrea Lectureship may be held for such period being longer than five years as the Trustees and the Faculty of the College may determine and the holder thereof may at the expiration of such period be re-elected. In all other respects such McCrea Lectureship shall be subject to the provisions of the Will save that the annual salary of the holder thereof shall be such sum as the Trustees of the College shall determine and may exceed £150 but shall not exceed £300 but the Trustees of the College shall have power to augment such salary from any fund other than the funds under the trusts of the Will.

Digitized by Google

Accumulating Fund for second McCrea Lectureship.

Lectureship shall be less than £300 the Trustees of th College shall invest each year a sum representing th difference between such salary and £300 in such invest ments as are authorised by the Will and shall also by simi lar investments accumulate at compound interest the in come of such investments until in their opinion the incom of such investments is sufficient with the sum representin the difference between such salary and £300 to endow second Lectureship and they shall then establish and en dow a second Lectureship the holder whereof shall be pai an annual salary consisting of the income of the invest ments so made together with a sum representing th difference between the annual salary of the McCre Lectureship and the sum of £300 and such Lectureshi shall also be styled a McCrea Lectureship.

Regulations for McCrea Lectureships

8.—The regulations to be attached by the Facult of the College to the McCrea Lectureships shall includ regulations for the exercise of discipline over the McCre Lecturers by the Trustees and the Faculty of the Colleg and shall give powers of dismissal of such Lecturers to th Trustees of the College.

McCrea Scholarships.

9.—If in any year the Faculty of the College shall b of opinion that sufficient merit has not been shown by th successful candidate for the McCrea Literary Scholarshi or the McCrea Science Scholarship and that in consequen thereof they should not award the full amount of £100 such candidate they may award to such candidate suc smaller sum as they may think fit and the Trustees ma apply a sum representing the difference between the su so awarded and the sum of £100 either in awarding add tional prizes or for such other like purposes as they ma think fit.

Ministry of Finance to frame Amending Scheme.

10.—The Ministry of Finance for Northern Irela may on the application of the Trustees and the Facul of the College with the sanction of the General Assemb alter and amend the Scheme of the College and frame Amending Scheme and such amending Scheme shall ma all such provisions as may be necessary for giving effect the trusts of the Will with regard to the College and to t alterations and modifications thereof enacted by this A including the provision of a suitable Superannuati Scheme for the Professors of the College. Such Amen ing Scheme may also contain such provisions for the futu

Digitized by Google

Ireland may approve on the application of the Trustees and Faculty of the College with the sanction of the General Assembly provided always that no alteration or amendment of the Scheme of the College shall be made contrary to anything contained in the Educational Endowments (Ireland) Act, 1885 or this Act.

11.—All the costs charges and expenses of and incidental to the preparing and applying for obtaining and passing this Act when taxed and ascertained by the taxing officer of the Parliament of Northern Ireland shall be paid by the Trustees of the College out of the Trust Funds under the Will.

CHAPTER iii.

An Act to confirm a Provisional Order of the Ministry of Home Affairs for Northern Ireland relating to the Urban District of Bangor.

[22nd June, 1923.]

WHEREAS the Ministry of Home Affairs for Northern Ireland has made the Provisional Order set out in the Schedule hereto under the Public Health (Ireland) Acts, 1878 to 1919:

AND WHEREAS it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Order set out in the Schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall have full validity and force.

2. This Act may be cited as the Bangor Gas Provisional Order Confirmation Act (Northern Ireland), 1923.

Digitized by Google

SCHEDULE.

URBAN DISTRICT OF BANGOR.

Bangor Gas Order.

Provisional Order to alter and amend the Bangor (Coun Down) Water and Improvement Act, 1905.

WHEREAS the Council of the Urban district of Bangor (in t Order referred to as " the Council ") are the urban sanitary author for the urban sanitary district of Bangor ;

5 Edw. 7, c. cxcvi.

AND WHEREAS the Bangor (County Down) Water and Impro ment Act, 1905 (in this Order referred to as " the Act of 1905 ") amended and varied by the Bangor Gas Order 1916 confirmed by

6 & 7 Geo. 5 c. xxvi.

Local Government Board (Ireland) Provisional Order Confirmat (Gas) Act 1916 is in force in the said district :

AND WHEREAS by sub-section (4) of section one hundred two of the Act of 1905 it is enacted that the Council may independer of any moneys they had already borrowed or which they might authorised to borrow under the provisions of any other Act borrow interest on the security of the district fund or district rate for the p pose of the gas undertaking of the Council any sums not exceec seven thousand pounds :

AND WHEREAS the Council have applied to the Ministry Home Affairs for Northern Ireland (in this Order referred to as " Ministry of Home Affairs ") for a provisional order altering and ame ing sub-section (4) of section one hundred and two of the Act of 19

AND WHEREAS after inquiry it appears to the Ministry of H Affairs expedient that the said sub-section (4) should be altered amended in manner hereinafter appearing :

NOW THEREFORE the Ministry of Home Affairs in pursuanc

41 & 42 Vic., c. 52.

the powers given to it by section two hundred and five and section hundred and fourteen of the Public Health (Ireland) Act, 1878, a all other powers enabling the Ministry in that behalf hereby or that from and after the date of the Act confirming this Order the fol ing provisions shall have effect, namely :—

Amendment of Act of 1905.

1. Sub-section (4) of section one hundred and two of the of 1905 shall be amended by the substitution therein of the w " thirty-one thousand pounds " for the words " seven thou pounds " and this amendment shall be deemed to be incorpor in the Act of 1905.

Expenses of Order.

2. The costs and expenses of the Council and the Mir of Home Affairs incurred in respect of the application for pre tion making and confirmation of this Order shall be paid b Council out of any fund or rate applicable by the Council to d the expenses incurred by them in the execution of the Public H (Ireland) Acts 1878 to 1919.

Short title.

3. This Order may be cited as the Bangor Gas Order 19

Given under the Seal of the Mi of Home Affairs for Nor Ireland this tenth day of M One Thousand Nine Hu and Twenty-three.

L. S.

(Signed) S. WA

Digitized by Google

An Act to empower The Right Honourable the Lord Mayor Aldermen and Citizens of the City of Belfast to construct and work Additional Tramways within and outside the City and to execute certain Works; To confer further powers upon the Corporation with reference to their Gas Undertaking and in relation to Public Health and Sanitary Matters and to the Good Government of the City; and for other purposes. [22nd June, 1923.]

WHEREAS the city of Belfast (in this Act called "the city") is a county borough subject to the Acts relating to municipal corporations in Northern Ireland and The Right Honourable the Lord Mayor Aldermen and Citizens of the City (in this Act called "the Corporation") acting by the Council are the urban sanitary authority for the district thereof:

And whereas the several local Acts and Orders mentioned in the First Schedule to this Act are in force within the city which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made:

And whereas under powers of certain of the former Acts the Corporation are the owners of and are working the tramway system of the city and it is expedient that the Corporation should be empowered to construct further tramways within and without the City as by this Act authorised:

And whereas it is expedient that the Corporation should be authorised to make the street works in this Act described and to exercise in relation thereto the powers by this Act conferred:

And whereas it is expedient that the Corporation should be authorised to acquire certain lands known as "Hazelwood" and lay out and equip the same as a Park or recreation ground:

And whereas it is expedient that the Corporation should be empowered to acquire hold and deal with lands for the purposes of this Act and to sell exchange let or otherwise dispose of such lands as may be acquired for or

Digitized by Google

poses of this Act:

And whereas under powers of certain of the forme Acts the Corporation are authorised to supply gas withi certain limits comprising the city and certain adjoinin districts and it is expedient that those limits should b extended and that such further powers in relation to th Gas Undertaking as are contained in this Act should b conferred upon the Corporation:

And whereas it is expedient that further powe should be conferred upon the Corporation with respect t Public Health and sanitary matters and for the goo government and management of the city:

And whereas it is expedient that the other prov sions in this Act contained should be sanctioned:

And whereas the objects aforesaid cannot be a tained without the authority of Parliament:

And whereas estimates have been prepared by t Corporation of the cost of constructing the works by th Act authorised and of giving effect to other purposes this Act including the amount necessary for the purcha of lands for those purposes and the amount required f the general purposes of the Gas Undertaking and su estimates are as follows:—

For and in connection with the tramways and t tramway undertaking three hundred and twenty-o thousand seven hundred and ninety pounds.

For street works one thousand four hundred a sixty pounds.

For and in connection with the lands of Hazelwo and Drumnadrough twenty-seven thousand two hund and fifty pounds.

For the Gas Undertaking three hundred and se thousand pounds.

And whereas the several works included in s estimates respectively are permanent works and it expedient that the cost thereof should be spread ove term of years:

And whereas in relation to the promotion of the for this Act the requirements of the Borough Funds (land) Act 1888 have been observed:

And whereas plans and sections showing the l situation and levels of the tramways tramroad and st

Digitized by Google

Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Antrim and the city of Belfast and the clerk of the peace for the county of Down and are in this Act referred to as the deposited plans sections and book of reference:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may BE ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows (that is to say)—

PART I.—PRELIMINARY.

1. This Act may be cited as the Belfast Corporation Act (Northern Ireland), 1923 and this Act and the former Acts may be cited as the Belfast Local Acts 1845 to 1923.

2. This Act is divided into Parts as follows—

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Street Works.
Part IV.—General Provisions as to Works.
Part V.—Lands.
Part VI.—Gas.
Part VII.—Public Health.
Part VIII.—Financial.
Part IX.—Miscellaneous.

3. The following Acts and parts of Acts so far as the same are respectively applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act:

(1) The Lands Clauses Acts with the following exception and modification—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

Digitized by Google

Clauses Consolidation Act 1845 shall be und
the seal of the Corporation and shall be suf
cient without the addition of the sureti
mentioned in that section;

Provided that for the purposes of such incorporati
the Railways Act (Ireland) 1851 and the Acts amendi
the same shall be read and have effect as if the Corporati
were a railway company and the works by this A
authorised were railways and the lands by this A
authorised to be acquired were required for the purpo
of a railway.

(2) The Gasworks Clauses Acts 1847 and 1871 exc
sections 30 to 38 (both inclusive) of the former A
Provided that section 13 of the former Act shall be r
as if the words "or any premises" were inserted a
the words "private building" and as if the wo
"Provided also that every such contract entered into
the Corporation shall be alike in terms and amount un
like circumstances to all consumers" were added at
end of that section.

Inter-pretation.

4. In this Act unless otherwise expressly prov
or the context otherwise requires—

Terms to which meanings are assigned by any
wholly or partially incorporated with this
or by the Public Health Acts have the s
respective meanings unless there be somet
in the subject or context repugnant to
construction;

"The city" means the city and county borou
Belfast;

"The Corporation" means The Right Honou
the Lord Mayor Aldermen and Citizens o
city of Belfast;

"The council" means the council of the city

"The town clerk" "the treasurer" "the
veyor" "the medical officer" and
executive sanitary officer" respectively
the town clerk the treasurer the surveyo
cluding the assistant surveyor) the m
superintendent officer of health and any e
tive sanitary officer appointed by the c
in pursuance of the powers of any publ
or the former Acts and respectively i

Digitized by Google

enumerated ;

" The public health fund " and " the public health rate " mean the borough fund and the borough rate of the city so far as that fund and rate are applicable to purposes of the Public Health Acts ;

" The general purposes fund " and " the general purposes rate " mean respectively the general purposes fund and the general purposes rate of the city ;

" The tramways " means the tramways and tramroad authorised by this Act ;

" The Corporation tramways " includes the tramways and all tramways for the time being belonging to or leased or worked by the Corporation ;

" The tramway undertaking " means the tramway undertaking of the Corporation as authorised for the time being by the former Acts and this Act and any future Act amending or extending the same ;

" Tramway revenue " means all moneys received by the Corporation on account of the tramway undertaking other than moneys received on capital account ;

" The existing gas limits " means the limits within which the Corporation are by virtue of the former Acts authorised to supply gas ;

" The extended gas limits " means the existing gas limits as extended by this Act ;

" The Public Health Acts " means the Public Health (Ireland) Acts 1878 to 1919 and any Act or Acts amending the same ;

" Daily penalty " means a penalty for every day on which an offence is continued after conviction ;

" The Ministry of Home Affairs " means the Ministry of Home Affairs in Northern Ireland ;

" Statutory security " means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any

Digitized by Google

stock or other security authorised by or und
any Act of Parliament passed or to be passe
of any county council or municipal corporati
or other local authority as defined by secti
34 of the Local Loans Act 1875 but does n
include annuities rent charges or securiti
transferable by delivery or any securities of t
Corporation.

PART II.—TRAMWAYS.

Power to make Tramways.

5. Subject to the provisions of this Act the Corpo
tion may make form lay down work use and maintain
the lines and situations and according to the levels sho
on the deposited plans and sections and in all respects
accordance with those plans and sections the tramwa
and tramroad hereinafter described with all proper ra
plates works and conveniences connected therewith wh
tramways and tramroad with the exception of porti
of Tramways No. 4 and No. 6 hereinafter described
situate wholly within the city.

The tramways and tramroad hereinbefore referre
and authorised by this Act are as follows—

Tramway No. 1—A tramway (double line) 2
longs 2.1 chains or thereabouts in length in the Parish
Shankill, wholly in the Townland of Townparks comm
ing by a junction with the existing tramway in Done
Square North near the junction with that Square
Donegall Place and terminating in Victoria Street b
junction with the existing tramway in that street
the junction with that street of Chichester Street.

Tramway No. 1a—A junction tramway (single
1.95 chains or thereabouts in length wholly in the
Townland of Townparks commencing by a junction
the existing tramway in Donegall Place near the junc
with that Place of Donegall Square North and termina
by a junction with the said tramway No. 1 in Don
Square North near the junction therewith of Don
Place.

Tramway No. 1b—A junction tramway (do
line) 2 chains or thereabouts in length wholly in the
Townland of Townparks commencing by a junction
the said Tramway No. 1 in Chichester Street near
junction with that Street of Victoria Street and term

Digitized by Google

Street.

Tramway No. 2—A tramway (double line) 2 furlongs 6.63 chains or thereabouts in length in the Parish of Shankill in the Townlands of Townparks and Skegoniel in the estate of the Belfast Harbour Commissioners commencing in the Townland of Townparks by a junction with the existing tramway in Garmoyle Street near the junction with that Street of New Andrew Street and terminating in the Townland of Skegoniel in Dufferin Road at the south-west side of Milewater Basin.

Tramway No. 3—A tramway (double line) 4 furlongs 3.28 chains or thereabouts in length in the Parish of Shankill and the Townlands of Malone Lower and Malone Upper commencing in the Townland of Malone Lower by a junction with the existing tramway in Malone Road at the termination of that tramway and terminating in the Townland of Malone Upper in Malone Road near the entrance gates to Malone House.

Tramway No. 4—A tramway (double line) 5 furlongs 5 chains or thereabouts in length in the County of Down Rural District of Castlereagh Parish of Dundonald commencing in the Townland of Ballymiscaw by a junction with the existing tramway in Newtownards Road at its termination at the County Borough Boundary and terminating in the Townland of Ballymiscaw in Newtownards Road at the eastern entrance to Dundonald Cemetery.

Tramway No. 5—A tramway 2 furlongs 4.86 chains or thereabouts in length (whereof 2 furlongs 3.59 chains or thereabouts are single line and 1.27 chains or thereabouts are double line) in the Parish of Knockbreda Townland of Ballymacarrett commencing by a double junction with the existing tramway in Bridge End near the junction therewith of Short Strand and terminating by a single junction with the existing tramway in Ravenhill Road near the approach to Albert Bridge.

Tramway No. 5a—A junction tramway (single line) 1.28 chains or thereabouts in length wholly in the said Townland of Ballymacarrett commencing by a junction with the said Tramway No. 5 in Short Strand near the junction therewith of the approach to Albert Bridge and terminating by a junction with the existing tramway in Albertbridge Road near the junction therewith of Short Strand.

Digitized by Google

longs 4.54 chains or thereabouts in length partly in th
City and partly in the County of Down in the Rur
District of Castlereagh Parish of Holywood Townlands
Ballymaghan and Killeen commencing by a junctio
with the existing tramway in Belmont Road at the te
mination of that tramway and terminating in Kille
Road near the entrance gates to Stormont Castle.

Tramway No. 7—A tramway (double line) 3 fu
longs 1.26 chains or thereabouts in length wholly in t
Parish of Shankill commencing in the Townland
Edenderry by a junction with the existing tramway
Woodvale Road at or near the junction therewith
Ballygomartin Road and terminating in Ballygomar
Road in the Townland of Ballymagarry at or near t
junction therewith of Glencairn Road.

Tramway No. 8—A tramway 1 furlong 6.3 cha
or thereabouts in length (whereof 6 chains or thereabo
are double line and 1 furlong 0.30 chain or thereabo
are single line) in the Parish of Knockbreda or Ext
Parochial in the Townland of Ballymacarrett-Intake
the estate of the Belfast Harbour Commissioners co
mencing by a junction with the existing tramway
Queen's Road at the termination of that tramway
terminating in the road leading to Thompson Wharf
point 5.15 chains or thereabouts northward of the ju
tion of that road with Queen's Road and in the road to
Harbour Power Station at a point 5.15 chains or th
abouts north eastward of the junction of that road w
Queen's Road.

Tramroad No. 8a—A junction tramroad (single l
2.6 chains or thereabouts in length wholly in the
Townland of Ballymacarrett-Intake in the estate of
Belfast Harbour Commissioners commencing in the
leading to Thompson Wharf by a junction with the
Tramway No. 8 at its termination in that road and
minating in the road leading to the Harbour Po
Station by a junction with the said Tramway No. 8 a
termination in that road.

Tramway No. 9—A tramway (double line) 1 m
furlongs 0.53 chains or thereabouts in length in the P
of Holywood commencing in the Townland of Strand
by a junction with the existing tramway in Holy
Road near the junction therewith of Belmont Road
terminating in the Townland of Ballymisert in Holy
Road at the County Borough Boundary.

Digitized by Google

chains or thereabouts in length (whereof 1 mile 1 furlong 0.49 chains or thereabouts are double line and 1.51 chains or thereabouts are single line) commencing in the Parish of Knockbreda or Extra-Parochial in the Townland of Ballymacarrett-Intake in the estate of the Belfast Harbour Commissioners by a junction with the existing tramway in Queen's Road at or near the junction therewith of Hamilton Road and terminating in the Parish of Knockbreda and Townland of Ballymacarrett by a junction with the existing tramway in Newtownards Road at or near the junction therewith of Connswater Street.

Tramway No. 10a—A junction tramway (single line) 1.35 chains or thereabouts in length wholly in the said Townland of Ballymacarrett-Intake in the estate of the Belfast Harbour Commissioners commencing by a junction with the existing tramway in Queen's Road near the junction therewith of Hamilton Road and terminating by a junction with the said Tramway No. 10 in Hamilton Road near the junction therewith of Queen's Road.

6. The Tramways shall be constructed on a gauge of four feet eight and a-half inches and carriages or trucks adapted to run on railways shall not be used thereon.

7. If the Tramways be not completed and opened for public traffic within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for constructing the same or otherwise in relation thereto shall cease except as to so much of the Tramways as shall then be completed.

8. Subject to the provisions of this Act the Tramways shall for all purposes be deemed to form part of the Tramway Undertaking and of the Corporation Tramways.

9. No part of the Tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by an officer appointed by the Ministry of Home Affairs.

10. No post or other apparatus for working the Tramways shall be erected on the carriageway of any street or road except with the consent of the Ministry of Home Affairs.

Digitized by Google

Application of certain sections of Belfast Street Tramways Act, 1872.

11. The sections of the Belfast Street Tramwa
Act 1872 of which the numbers and marginal notes a
set out in the Second Schedule to this Act shall exte
and apply to the Tramways and the Corporation
respect thereof as if the same had been re-enacted in t
Act Provided that in construing the provisions of the s
sections in their application to this part of the Act
expressions referred to in the first column of the n
following table shall be deemed to be substituted for
expressions referred to in the second column of that ta
respectively (that is to say)—

1.	2.
The Corporation	The Company
The Ministry of Home Affairs	The Commissione
Northern Ireland	Ireland
The Belfast Gazette	The Dublin Gaze
The Ministry of Home Affairs	The Board of Tr

Provided also that in construing the said provis
in their application to the Tramways to be constru
without the City in the County of Down the expre
" the Corporation " in the said Act shall be deeme
mean the County Council of the County of Down a
relation to matters under their control as san
authority the Castlereagh Rural District Council an
" Borough Surveyor " shall be deemed to mean
County Surveyor of the said county.

For the protection of the Belfast City and District Water Commissioners.

12. For the protection of the Belfast City and
trict Water Commissioners section 5 (For the prote
of the Belfast Water Commissioners) of the Belfast
Tramways Act 1884 shall be incorporated in this Ac
subject to the provisions of this section shall not
standing anything to the contrary contained in th
extend and apply to the tramways by this Act auth
and in the application of the said section to this A
expression the " Water Commissioners " shall mea
Belfast City and District Water Commissioners
under the Belfast Water Acts 1840 to 1920 inclusiv

If it should appear to the Engineer of the said
Commissioners that the construction of the tramw
this Act authorised and in the manner proposed
Corporation would endanger or prevent reasonable

Digitized by Google

or supplied with water by the Water Commissioners or interfere with interrupt or impede the supply of water the Water Commissioners or their Engineer may give notice to the Corporation of their intention to lower or otherwise alter the position of any of the said mains pipes or apparatus in such manner as the Water Commissioners' Engineer may consider necessary and the expense of such lowering or alteration shall be borne or paid by the Corporation, provided that in the event of a difference arising between the Engineer of the Water Commissioners and the Engineer of the Corporation as to the necessity for such lowering or alteration the lowering or alteration of the said mains pipes or apparatus may nevertheless be carried out by the Corporation or the Water Commissioners and the expense of such lowering or alteration shall be borne in equal proportions by the Water Commissioners and the Corporation; and provided also that notwithstanding anything in this section contained if it shall be proved to the satisfaction of the Arbitrator to be appointed as hereinafter in this Act provided that the lowering or altering of any main or pipe is required by reason of its not having been laid in accordance with the statutory requirements (if any) imposed on the Water Commissioners by any of the Acts under which they exercise their powers the entire expense of such lowering or altering shall be borne and paid by the said Water Commissioners.

Except as hereinbefore provided any difference which may arise in giving effect to the provisions of the said section 5 of the Act of 1884 and of this section in respect to the construction of the tramways by this Act authorised such difference shall be settled by arbitration in the manner provided by section 38 (for further protection of Belfast Water Commissioners) of the Belfast Corporation Act of 1911.

13. The following Sections of the Act of 1904 (that is to say)—

Section 17 (Tramways to be kept on level of surface of road);

Section 18 (Cross-overs to be constructed in certain cases);

Section 19 (Power to make additional cross-overs and to double Tramway lines);

Section 20 (Plan of proposed mode of construction);

Digitized by Google

roads) ;
Section 22 (Temporary Tramways to be made when necessary) ;
Section 23 (Corporation may reduce width of foo way for constructing Tramways) ;
Section 24 (Corporation may take up lines for th purpose of constructing others) ;
Section 25 (Provisions as to motive power) ;
Section 26 (Special provisions as to use of electric power) ;
Section 27 (Power to attach brackets &c. to buil ings) ;
Section 28 (Waiting rooms or sheds) ;
Section 29 (Alteration of telegraph lines of the Po master-General) ;
Section 30 (For the protection of Post Office te graph lines) ;
Section 33 (Power to Corporation to work Tra ways) ;
Section 36 (Traffic upon Tramways) ;
Section 37 (Rates for passengers) ;
Section 38 (Corporation may appoint stages on Tramways) ;
Section 39 (Corporation not bound to carry good
Section 40 (Provision as to carriage of goods &c separate carriages) ;
Section 41 (Goods) ;
Section 42 (As to use of Tramways for carriag goods &c.) ;
Section 43 (Passengers' luggage) ;
Section 44 (As to fares on Sundays and holida
Section 45 (Cheap fares for labouring classes)
Section 46 (By-laws) ;
Section 47 (Penalty for malicious damage) ;
Section 48 (Orders &c. of the Board of Trade
Section 49 (Recovery of penalties) ;
Section 50 (Power to lease) ;
Section 52 (Power to enter into working a ments) ;

and the following sections of the Act of 1911 (that say)—

Section 15 (Special cars).
Section 17 (Corporation may require remov vehicles obstructing Tramways).
Section 18 (Corporation may lop trees overha public highway).

Digitized by Google

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the Tramways.

Provided that—

(1). In the application of the said sections of the Act of 1904 and 1911 they shall be read and have effect as if the Ministry of Home Affairs were named therein instead of the Board of Trade.

(2.) In the application of section 37 of the Act of 1904 the said section shall so long as the Belfast Corporation Tramways (Temporary Increase of Charges) Order 1921 shall continue in force be read and have effect subject to and with the modifications effected by that Order.

(3). In the application of section 21 sub-section (2) of the Act of 1904 to the Tramways to be constructed without the City in the County of Down there shall be substituted for the words "twenty inhabitant ratepayers of the city" the words "the County Council of the County of Down."

(4.) The Corporation shall not attach any brackets rosettes or apparatus to any building owned by a Railway Company except with the consent in writing of such Company, provided that such consent shall not be unreasonably withheld.

(5). No waiting room or shed erected or maintained under section 28 or stage appointed under section 38 of the Act of 1904 shall interfere with or render less convenient the access to or exit from any station or depot of any Railway Company.

(6). In erecting any waiting-room or shed the Corporation shall conform to the bylaws of the sanitary authority from time to time regulating buildings in the particular area in which any such waiting-room or shed may be erected.

(7). No waiting-room or shed shall be erected on any portion of any public street or road without the consent of the road authority.

14. In the event of the foundation of any road in the County of Down upon or along which any tramway shall be laid by the Corporation being injured or damaged

Digitized by Google

the reconstruction of such tramway the Corporation sh
pay to the County Council of the County of Down t
reasonable costs and expenses which may be incurred
the repair and reinstatement of the said road so injur
or damaged.

For the protection of the Belfast Harbour Commissioners.

15. The Corporation shall not proceed to constru
Tramways Nos. 2 8 and 10a and Tramroad No. 8a by t
Act authorised or any of such Tramways and Tramro
or that part of Tramway No. 10 by this Act authori
which will be constructed upon the estate of the Belf
Harbour Commissioners without the previous consent
writing of the said Commissioners and in accordance w
and subject to such terms and conditions as may be mu
ally agreed upon between the Corporation and the s
Commissioners and if the said Commissioners shall e
to construct the said Tramways and portion of Tram
and Tramroad and shall give notice thereof to the C
poration the powers by this Act conferred upon
Corporation for such construction shall by virtue of
Act be transferred to and become exercisable by the
Commissioners to the exclusion of the Corporation
the Corporation and the said Commissioners may e
into and carry into effect agreements for the workin
the Corporation of the said Tramways and portio
Tramway and Tramroad. Provided that nothing in
section shall be construed as conferring upon the
Commissioners any powers of working the said Tram
and portion of Tramway and Tramroad or any po
with reference thereto other than in connection with
actual construction thereof and the making and carr
out of any such agreements as aforesaid.

Powers to affix troughs for trolley wires to bridges, &c.

16. The Corporation may affix to the under si
any bridge or other structure under which any o
Tramways may pass troughs through and within
the trolley wires of such Tramway shall be carried
such trolley wires shall be carried on insulators so
within the said troughs that the said wires shall be
pletely and effectually insulated from the metal wo
such bridge or other structure. Provided that no
troughs shall be affixed to any bridge or other stru
belonging to a Railway Company without the co
of the Railway Company owning such bridge or
structure and in accordance with the requirements
such Company provided that such requirements sha
be unreasonable nor such consent unreasonably wit

Digitized by Google

of the Act of 1904 as extended by section 87 (Application of section 68 of the Act of 1904) of the Act of 1911 the Corporation having in any financial year fixed pursuant to those sections the tolls fares and charges to be levied by them for the use of the Corporation Tramways and of carriages and trucks used or propelled thereon may at any time and from time to time when they think proper during that year increase reduce alter or vary the tolls fares and charges so fixed but so that the said tolls fares and charges as increased altered or varied shall not exceed the maximum tolls fares and charges authorised to be levied by the Corporation for the use of the Corporation Tramways and of carriages and trucks used or propelled thereon. Provided that no such increase reduction alteration or variation as aforesaid shall be made except upon an estimate laid before the Corporation by the City Accountant of the revenue to be derived for the remainder of the year in question from the working and use of the Corporation Tramways and carriages and trucks thereon and of the sums required to meet for the remainder of that year such expenses as are referred to in the said section 68 and that nothing in this section shall relieve the Corporation from their obligation under that section to secure that the revenue for the whole of the year in question will meet the expenditure for that year or shall vary or affect in any way the provisoes to sub-section (1) and sub-section (2) of the said section.

18. Nothing herein contained shall be deemed or construed to exempt the Tramways or Tramroad by this Act authorised to be made from the provisions of any General Act relating to Tramways now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision and alteration under the authority of Parliament of the maximum rates of fares and charges authorised by this Act.

PART III.—STREET WORKS.

19. Subject to the provisions of this Act the Corporation may in the lines and situation shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the following street works in the city—

Digitized by Google

in the Parish of Shankill and Townland of Townparks
Castle Lane on the northern side thereof for a length
0.5 chains adjoining the Abercorn Restaurant.

A Widening (Work No. 2) in the Parish of Knoc
breda and Townland of Ballymacarrett of Severn Stre
and Victoria Bridge Road at the junction of said Stre
and Road for a length of 3.78 chains.

PART IV.—GENERAL PROVISIONS AS TO WORK

Power to make ancillary works.

20. Subject to the provisions of this Act the C
poration may within the limits of deviation shown up
the deposited plans make and maintain all such wo
and conveniences connected with or ancillary to
Tramways and street works authorised by this Act
they may deem necessary. Provided that in mak
or maintaining such works or conveniences the Corpo
tion shall not in any way interfere with or obstruct
works or working of the Railway Companies and s
provide convenient access to or exit from any Sta
or Depot of the Railway Companies where same is
quired by reason of the execution of the said works

Power of deviation.

21. In constructing the street works and the t
road authorised by this Act the Corporation may dev
from the centre lines thereof respectively shown on
deposited plans to the extent of the limits of devia
marked thereon and may deviate vertically from the l
thereof respectively shown on the deposited section
any extent not exceeding five feet upwards or downw

Incorporation of certain provisions of Acts of 1884 and 1911 as to streets, works, &c.

22. The following sections of the Act of 1884
is to say)—

Section 13 (Streets disused vested in Corpor
for sale);

Section 20 (Power to make carriage and foot
and incidental works);

Section 21 (Power to cover or fill up sewe
drains);

Section 22 (Power to alter steps areas pipe
other things);

Section 23 (Power to sell materials);

Digitized by Google

Section 35 (Power to make subsidiary works);

Section 36 (Under-pinning);

Section 38 (For further protection of Belfast Water Commissioners)

shall so far as the same are applicable and not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the constructing and maintaining of the street works authorised by this Act.

23. The Corporation may during the execution and for the purposes of any works by this Act authorised from time to time close any street for public traffic and may for any reasonable time prevent all persons from passing along and using the same other than foot passengers bona fide going to or returning from any house in the street and the Corporation shall provide reasonable access for such foot passengers. The Corporation shall provide reasonable access for passengers and vehicles going to or coming from stations and depots of the Railway Companies where same is required by reason of the execution of the said works.

PART V.—LANDS.

24. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the purposes of the works by this Act authorised or (in the case of the widening of any street) for the providing of space for the erection of buildings adjoining or near to any such street.

25. Subject to the provisions of this Act the Corporation may enter upon take or use for the purposes of their gas undertaking the lands described in Part I. of the Fourth Schedule to this Act which lands are delineated on the deposited plans and described in the deposited book of reference. Provided that notwithstanding anything contained in this Act or shown on the deposited plans or book of reference the Corporation shall not, under the powers of this Act, enter upon, take or use for the purposes of their gas undertaking or otherwise any

Digitized by Google

tidal lands of the River Blackstaff below high water ma
of ordinary spring tides.

Housing of the Working Classes Act, 1890, to apply to compulsory acquisition of land.

26. For the purpose of taking lands compulsor
under and for the purposes of this Act and of determini
the amount of compensation payable by the Corporat
for and in respect of the same the provisions of the La
Clauses Acts with respect to the purchase and taking
lands otherwise than by agreement shall be deemed to
amended by the provisions contained in the Sec
Schedule to "The Housing of the Working Classes
1890" and the Acquisition of Land (Assessment of C
pensation) Act 1919 and the said Schedule to the said
of 1890 (except paragraphs (4) (5) (29) and (31) ther
shall be deemed to be incorporated with and to form
of this Act and in construing the said Act of 1890 for
purposes of this Act "the local authority" shall mean
Corporation and "the confirming Act" shall mean
Act and "the confirming authority" shall mean
Ministry of Home Affairs and the Belfast Gazette sha
substituted for "the Dublin Gazette."

Incorporation of certain provisions of Act of 1884 as to taking of lands, &c.

27. The following sections of the Act of 1884

Section 25 (Errors and omissions in Plans &c.
corrected by Justices who shall certify the same);

Section 30 (Power to acquire additional lan
agreement);

Section 31 (Power to take easements &c. by
ment);

Section 32 (Compensation may be in lands or w
so far as the same are applicable and not incons
with the provisions of this Act shall extend and
mutatis mutandis to and in relation to the lands
acquired and the works to be constructed und
powers of this Act.

Limitation time for compulsory purchase of lands.

28. The powers of the Corporation for the c
sory purchase of lands shall not be exercised aft
expiration of three years from the passing of this

Compensation in case of recently altered buildings.

29. In settling any question of disputed pu
money or compensation under this Act the arbitrat
not award any sum of money for or in respect
improvement alteration or building made or fo
respect of any interest in the lands created af
twentieth day of November one thousand nine h

Digitized by Google

improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

30. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by this Act with reference to the taking of lands otherwise than by agreement.

31. Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease grant in fee farm exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by or vested in them under or by virtue of this Act or any general or local Act for the time being in force in the city and may sell exchange or dispose of any rents reserved on the sale lease grant exchange or disposition of such lands or interests therein or may retain any such rents for such time as they may think fit and may make do and execute any deed act or thing proper for effectuating any such sale lease grant exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Provided that nothing in this section shall be taken to dispense without consent of the Ministry of Home Affairs to any sale lease grant appropriation or other disposition of any lands of the Corporation in any case in which the consent of that Ministry would have been required if this Act had not been passed.

32. The agreement dated the 6th day of November 1922 and made between Ebenezer Martin Reid of the one part and the Corporation of the other part set out in the Third Schedule to this Act being an agreement for the

Digitized by Google

purchase by the Corporation of the lands and premis
of "Hazelwood" therein mentioned is hereby confirme
and made binding upon the parties thereto.

Laying out of lands of Hazelwood.

33. (1) The Corporation may lay out and equip as
park or recreation ground the said lands of "Hazelwood
when acquired by them and the provisions with respe
to the making and enforcing of by-laws which apply
parks and recreation grounds of the Corporation sh
extend and apply to the said lands of "Hazelwood
when laid out and equipped as aforesaid.

(2) The Corporation may make such reasona
charges as they may think fit for entry to and use of su
lands and may set apart and enclose any part or parts
such lands for any particular purpose or object and m
make charges for the use of and in respect of any par
set apart.

(3) All expenses incurred by the Corporation
carrying on such park or recreation ground shall be p
out of the tramway revenue and all receipts in respec
such park or recreation ground shall be carried to
credit of the tramway fund.

PART VI.—GAS.

Extension of gas limits.

34. (1) The existing gas limits are hereby exte
so as to comprise in addition to those limits the par
of Carnmoney Drumbeg and Dundonald. Provided
if after the expiration of seven years from the passi
this Act the Corporation have not laid down mair
the supply of gas in the said parishes of Carnm
Drumbeg and Dundonald the local authority of th
trict or districts in which the said parishes or any
thereof are situate or any company or person may
for an Act of Parliament or Special Order for the pu
of providing such a supply and for the repeal of the p
of the Corporation in that behalf.

(2) The provisions of the former Acts as ext
by this Act with regard to the manufacture and sup
gas by the Corporation within the existing gas
shall extend to and have effect within the extend
limits.

(3) Subject to the provisions of this Act
powers rights authorities privileges immunities ju
tion and duties of the Corporation with regard
manufacture and supply of gas within the existi

Digitized by Google

limits.

35. It shall be lawful for the Corporation at any time and from time to time to charge for the supply of gas to consumers outside the boundaries of the city rates and charges greater than those charged to consumers within the city but not exceeding at any time twice the rates or charges for the time being charged by them for the supply of similar quantities of gas under similar conditions within the city. Provided however that the charge per one thousand cubic feet of gas in any area outside the boundaries of the city shall not exceed seven shillings and sixpence.

36. When and so soon as the Corporation are the owners of the houses and lands on both sides of any portions of Bond Street and Norton Street both within the city or of either of those streets they may stop up such portions of the said streets and thereupon all public rights of way over the said portions of streets shall be extinguished and the site and soil thereof shall be vested in the Corporation.

37.—(1) Subject to the provisions of this Act the Corporation may upon the lands described in the Fourth Schedule to this Act erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and may upon the said lands do all such acts as may be proper for making and storing gas and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Corporation shall not under the powers of the Act of 1912 or this Act use the following portions of the lands described in the Schedule to the Act of 1912 and in the Fourth Schedule to this Act for the following purposes respectively, that is to say:—

(a) As to the portions of said lands situate within eighty feet of Ormeau Road or M'Auley Street for the purpose of the erection or working of buildings or plant for the making or storage of gas or for the working up and converting of such residual products as aforesaid or for the purpose of the storage of materials in such a manner that such materials shall be a nuisance or injurious.

Digitized by Google

lands lying to the Northward of a straight li
170 feet from said river at either end, for t
purpose of the erection or working of buildin
or plant for the making of gas, or for the pu
pose of the storage of materials (including ga
in such a manner that such materials shall
a nuisance or injurious.

(3) Sub-sections (2) and (3) of section 6 of the A
of 1912 are hereby repealed

Provided that notwithstanding the repeal of s
sub-section (3) of section 6 of the Act of 1912 the C
poration are hereby authorised and empowered to er
complete and use for the storage of gas the gasom
now in the course of construction on the lands mentio
in said sub-section subject as hereinbefore provided.

Confirmation of Agreement for the purchase of the premises &c., of the North of Ireland Chemical Company, Limited.

38. The agreement dated the 17th day of Novem
1922 and made between the North of Ireland Chem
Company Limited of the one part and the Corporatio
the other part set out in the Fifth Schedule to this
being an agreement for the purchase by the Corpora
of the lands premises works plant utensils and stoc
the said Company is hereby confirmed and made bin
upon the parties thereto.

For protection of the Belfast and County Down Railway Company, the Great Northern Railway Company (Ir.) and the London, Midland and Scottish Railway Company.

39. The following provisions for the protectio
the Belfast and County Down Railway Company
Great Northern Railway Company (Ireland) and
London Midland and Scottish Railway Company
of whom is in this section referred to as the " Ra
Company ") shall unless otherwise agreed betwee
Corporation and the Railway Company apply and
effect, that is to say :—

(1) Any mains pipes or other works (herei
referred to as " the authorised works ") which und
powers of this Act the Corporation may be auth
to lay over or under any railway of the Railway Co
otherwise than along a street or road shall be const
and maintained in accordance with plans, sectio
specifications previously submitted to and approv
the Engineer of the Railway Company and und
direction and superintendence (if given) and whe
such authorised works pass over the railway the
be so placed that the bottom of such authorised
or of the structure carrying the same shall in no

Digitized by Google

where any such authorised works pass under the railway they shall be so constructed that any pipe or other work shall be so laid as to permit of the same being relaid or repaired without interference with the working of the railway and so that the top of any such pipe or other work shall not in any case be nearer the bottom of the rails of the railway than 3 feet or such lesser depth that the Railway Company may require.

(2) In laying and maintaining any other mains pipes culverts or other works (hereinafter included in the expression "the authorised works") over upon across under or in proximity to any work or property of the Railway Company the Corporation shall execute and maintain such works with all dispatch and under the directions and superintendence (if given) and to the reasonable satisfaction of the Engineer of the Railway Company and in accordance with plans sections and specifications previously submitted to and approved by him.

(3) The Corporation shall with all dispatch restore and make good to the reasonable satisfaction of the said Engineer the railway and other property of the Railway Company and the roads over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or in connection with the authorised works.

(4) If the Railway Company so elect they may themselves execute and maintain the authorised works (other than the actual laying down and maintenance of the pipes) and may recover from the Corporation the reasonable expenses incurred by the Railway Company in connection therewith.

(5) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the Railway Company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain the authorised works or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the Railway Company at the expense of the Corporation and the Corporation shall indemnify the

Digitized by Google

such injury damage or interruption and shall ma
compensation to the Railway Company for and in resp
thereof.

(6) In the event of the Corporation failing to ma
tain the authorised works in substantial repair and g
order to the reasonable satisfaction in all respects of
said Engineer or in case of emergency of which
said Engineer shall be the sole judge the Railway Comp
may make good the same and make and do in and u
the adjoining lands of the Corporation or their own la
all such repairs and things as may be reasonably requi
and recover from the Corporation the reasonable expe
incurred by them in connection therewith.

(7) If it should be necessary during the construc
of the authorised works or by reason of the existenc
the same to alter any of the telegraph telephone or si
posts or wires or other works or apparatus belongin
or on the railway of the Railway Company the Rail
Company may effect such alterations and the Corpora
shall repay to them the reasonable expenses incurre
them in connection with such alterations.

(8) The Corporation shall bear and on demand
to the Railway Company the reasonable expense incu
by the Railway Company of and in connection with
employment by them during the construction and
tenance of the authorised works over under or acros
railway or other property of the Railway Company
sufficient number of inspectors signalmen or watch
to be appointed by the Railway Company for wat
and protecting the said railway and the conduct
traffic thereon with reference to and during the exec
and maintenance of the authorised works and fo
venting as far as may be all interference obstru
danger and accident from any of the operations or
the acts or defaults of the Corporation or their contr
or any person or persons in the employ of the Corpo
or their contractors.

(9) If at any time it is found necessary in or
enable the Railway Company to carry out any alter
widenings or extensions of their railway or works th
position of the authorised works shall be altere
Corporation shall on receiving notice in writing fr
Railway Company so to do at the Corporation's ow
and with all dispatch alter the position of the sa
far as may be necessary to enable the Railway Co

Digitized by Google

the provisions of this section shall apply to the authorised works in their altered position provided that the provisions of this section shall only apply to such authorised works as may be executed on lands now in possession of the Railway Companies.

(10) Any additional expense which the Railway Company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Corporation.

(11) Any difference arising between the Corporation and the Railway Companies respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party by the President of the Institution of Civil Engineers of England and subject as aforesaid the provisions as to arbitration contained in the Common Law Procedure Amendment Act (Ireland), 1856 shall apply to any such reference.

40.—(1) Any premises within the city used or proposed to be used substantially as a shop or place for the manufacture for sale or for the sale of ice-cream or any similar commodity shall be registered by the owner or occupier thereof with the Corporation from time to time in such manner as the Ministry of Home Affairs may direct and no premises shall be used for the purpose aforesaid unless the same are registered as aforesaid.

(2) The Corporation may from time to time make by-laws regulating the construction of premises used or proposed to be used substantially as a shop or place for the sale of ice-cream or any similar commodity and the hours during which the same may be kept open and providing for the inspection of such premises and for securing the cleanliness and the proper lighting and ventilation thereof and the good and orderly conduct of persons resorting thereto and for prescribing precautions to be taken for protecting food therein against infection or contamination.

(3) Any person offending against any of the provisions of this section or of any by-law made thereunder shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. The Court may in any case in addition to imposing a penalty

Digitized by Google

by Order cancel the registration of the premises in re
tion to which the offence was committed and as from
date of any such Order the premises referred to ther
shall be deemed to be premises not registered under
provisions of this section and the Corporation may am
their register accordingly.

Regulation of manufacture and sale of Ice-cream.

41.—(1) Any person being a manufacturer or ven
of or merchant or dealer in ice-cream or other sim
commodity who within the city—

(a) Causes or permits ice-cream or any sim
commodity or any materials used in the ma
facture thereof to be manufactured sold
stored in any sleeping-room or in any r
cellar yard or place which is in a condi
likely to render such commodity injurious
health or in which there is an inlet or ope
to a drain; or

(b) In the manufacture sale or storage of any
commodity does any act or thing likely t
pose such commodity to infection or
tamination or omits to take any proper
caution for the due protection of such
modity from infection or contamination

(c) Omits on the outbreak of any infectious di
amongst the persons employed or reside
any premises occupied by him to give n
thereof forthwith to the medical officer:

shall be liable to a penalty not exceeding five pound

(2) In the event of any person so employ
resident suffering from any infectious disease the m
officer or the executive sanitary officer or any
officer who is duly authorised by the Corporation i
behalf may seize and destroy all ice-cream or s
commodity or materials for the manufacture of the
in any of the premises and the Corporation ma
compensation for the ice-cream, commodity, or ma
so destroyed.

(3) Every dealer in ice-cream or other s
commodity vending his wares within the city fro
cart barrow or other vehicle or stand shall have his
and address legibly painted or inscribed on suc
barrow vehicle or stand and any person who shall
comply with this sub-section shall be liable to a p
not exceeding five pounds.

Digitized by Google

or stand within the city being in such condition as is likely to render the ice-cream or similar commodity or the materials therein or thereon injurious to health or if the ice-cream or similar commodity or materials are in such a condition as to be unfit for human consumption the medical officer or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy such ice-cream or similar commodity or materials.

(5) (a) The medical officer and the executive sanitary officer and any other officer who is duly authorised by the Corporation in that behalf or any police officer shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or other vehicle or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 118 (Power of Entry of Sanitary Authority) of the Public Health (Ireland) Act 1878 in the cases therein mentioned and any officer authorised as aforesaid may at any time inspect any such cart barrow vehicle or stand in any street or public place.

(b) Any person refusing entry into or inspection of such premises cart barrow vehicle or stand as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(6) The Corporation shall cause public notice to be given of the effect of the provisions of this section by advertisement in two newspapers published in the city.

42.—(1) It shall not be lawful for any person to repair reconstruct alter or make any connection with any drain or sanitary fitment communicating with any sewer of the Corporation or cesspool without giving to the Corporation twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain or sanitary fitment without giving the like notice of his intention to do so. Provided that if any Railway Company in the course of carrying out any work of reconstruction or alteration in connection with its undertaking finds it necessary to reconstruct any drain

Digitized by Google

shall be at liberty so to do without previous notice to t
Corporation provided that it does not thereby increase t
volume of water or sewage passing into the sewers of t
Corporation, but in the event of any such reconstructi
or alteration being carried out such Railway Compa
shall give notice thereof as soon as possible to the C
poration.

(2) It shall not be lawful for any person to rep
reconstruct alter or make any connection with any s
drain or sanitary fitment except in accordance with
provisions of the by-laws of the Corporation relating
the drainage of existing buildings.

(3) Free access to such drain or work of re
reconstruction alteration or connection shall be affor
to any officer of the Corporation duly authorised for
purpose of inspection.

(4) Any person who shall offend against this sec
shall be liable to a penalty not exceeding five pounds

Power to recover costs of maintenance of patients in hospitals from their parents or guardians.

43.—(1) Any expenses incurred by the Corpora
in maintaining a patient (being a minor) in a hospit
in a temporary place for the reception of the sick (whe
or not such hospital or place of reception belongs to
Corporation) shall be deemed to be a debt due from
parent or guardian of such patient to the Corpora
unless such parent or guardian is a pauper and ma
recovered from such parent or guardian within six mo
after the discharge of such patient from such hospit
place of reception. Provided that nothing herein
tained shall require the Corporation to recover the
of maintenance of any such patient from the pare
guardian of such patient where the Corporation
satisfied themselves that the circumstances of the ca
such as to justify the remission of the debt.

(2) Nothing in this section contained shall i
way affect diminish or derogate from the right
Corporation to recover the costs of the maintena
any patient from such patient or his estate und
provisions of section 156 of the Public Health (Ir
Act 1878.

Power to enter premises.

44. The provisions of section 118 (Power of
of sanitary authority) and section 119 (Penalty f
obedience of order) of the Public Health (Irelan
1878 shall extend and apply to the purposes of th
of this Act as if those purposes had been mentioned
said section 118.

Digitized by Google

(in addition to any moneys which they are now authorised to borrow or raise by the creation and issue of Belfast Corporation Stock) raise by the creation and issue of Belfast Corporation Stock in the manner provided by the Act of 1889 for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof;

(b) The sums payable to the loans fund established under the Act of 1889 for the payment of dividends on and towards redemption and extinction of the stock created and issued under the powers of this section for the said several purposes shall be payable out of the respective revenues funds and rates mentioned in the third column of the said table; and

(c) The amount of the annual sums payable to the Loans Fund established under the Act of 1889 towards the redemption and extinction of stock created and issued by the Corporation under the powers of this section shall be such as with accumulations at the rate of three and a half per centum per annum or such higher rate as may be prescribed from time to time by the Ministry of Home Affairs will suffice to redeem at par all stock so created within the respective periods from the date or respective dates of creation of the stock (except where otherwise stated) mentioned in the fourth column of the said table namely—

1. Purposes	2. Amount	3. Revenue Fund or Rate	
(a) (i) For the construction of the tramways.	£240,000	The tramway revenue and the general purposes fund and the general purposes rate	2
(ii) For the provision of tramcars.	£40,000		2
(iii) For the equipment of the the tramways.	£21,790		2
(iv) For the erection of tramway depots.	£20,000		4
(v) For the general purposes of the tramway undertaking.	Such sums as the Ministry of Home Affairs may sanction.		Suc excee as the Home sancti

Digitized by Google

1. Purposes	2. Amount	3. Revenue Fund or Rate	4. Period
(b) For the execution of the Street Works by this Act authorised.	£960	The general purposes fund and the general purposes rate.	40 years.
(c) For the laying out and equipment of the lands at Hazelwood and Drumnadrough.	£20,000 and such further sums as the Ministry of Home Affairs may sanction.	The tramway revenue and the general purposes fund and the general purposes rate	15 years.
(d) (i) For the payment of the purchase money or consideration payable under the agreement set out in the Fifth Schedule to this Act.	£60,000	The gas fund.	25 years.
(ii) For the general purposes of the Gas Undertaking.	£240,000		
(e) For the purchase of lands for all or any of the purposes or under the powers of this Act.	£14,750	The respective revenues funds or rates hereinbefore referred to in respect of the several purposes for which the lands are acquired.	60 years
(f) For the payment of the costs and expenses of obtaining this Act as hereinafter mentioned.	The sum requisite.	The general purposes fund and the general purposes rate.	5 years fro passing of th

(2) Money raised under this section shall be ap only to the purposes for which it is authorised to be r and to which capital is properly applicable and not o wise.

Digitized by Google

which they are authorised by this Act to raise by means of the creation and issue of Belfast Corporation Stock borrow or raise the sum or any part thereof by any of the following methods :—

(1) The exercise of their powers under section 89 of the Belfast Corporation Act, 1911 ;
(2) Granting mortgages in pursuance of the provisions of Part III. of the Belfast Corporation Act, 1913 ;
(3) The exercise of their powers under section 18 of the Belfast Corporation Act, 1913.

47. All transactions of the Corporation under this Act in respect of the receipt and expenditure of capital whether received by way of loan or otherwise shall be shown in the books and accounts of the Corporation separately from those in respect of revenue.

48. Section 36 (Estimate for General Purposes Rate to include amount required for purposes of this Act) of the Act of 1899 shall apply to the purposes of this Act as if that section had been re-enacted in and for the purposes of this Act with the substitution of a reference to the Act of 1911 for the reference in the said section to the Act of 1896.

49. The Corporation shall pay as follows the expenses incurred by them in carrying into effect the provisions of this Act other than (a) such expenses as may be properly chargeable to capital account and (b) any expenses for the payment of which any other provision is made by this Act :

So far as may be necessary for giving effect to any of the provisions contained in Part VIII. (Public Health) of this Act out of the Public Health fund or the Public Health rate :

So far as relates to expenses not otherwise provided for out of the general purposes fund or the general purposes rate.

50. The Corporation may and if required by the Ministry of Home Affairs shall from time to time invest temporarily in a statutory security any sum raised by stock under this Act and not for the time being required for the purpose for which it is raised.

Digitized by Google

Amendment of section 89 of the Act of 1911.

(Use of moneys to credit of loans fund) of the Act of 19 shall be read and have effect as if the words " or such otl value as the Ministry of Home Affairs may sanctio were inserted therein immediately after the words " par value."

Power to establish a reserve fund against depreciation of investments held for the Sinking Funds.

52.—(1) The Corporation may if they think establish a reserve fund to provide against the depre tion of investments and securities held for the sink funds of the Corporation.

(2) The Corporation may notwithstanding a thing contained in sub-section (2) of section 61 of the of 1889 or in any other enactment carry to the credi the said reserve fund—

(a) The fees paid to the Corporation pursuan section 61 (Fees) of the Act of 1889;

(b) Any interest on cash balances received by Corporation and not otherwise appropri under the provisions of any enactment:

(c) The amount from time to time standing t credit of the account for premiums and counts in the Consolidated Loans Fund o Corporation.

Charging Tramway revenue with proportion of cost of Street Works

53. The Corporation may charge and carry t accounts of the Tramway undertaking and pay o the Tramway revenue the whole or such proportic they may determine of the cost of the widening of S Street and Victoria Bridge Road authorised by thi and of the acquisition of lands for the purpose of widening and they may if they think fit spread any payment over such term of years not exceeding t they may fix.

PART IX.—MISCELLANEOUS.

Power to dispose of or utilise portions of the Corporation's Markets.

54.—(1) The Corporation may with the cons the Ministry of Home Affairs sell exchange demise in fee farm or otherwise dispose of or may appropria utilise for any of the purposes of the Corporation any part or parts of the following portions of the M of the Corporation (that is to say)—

(a) The Smithfield Market.

(b) A portion of Chichester Market abuttin May Street having a depth of 40 feet ext from the Grain Market shed to Oxford

Digitized by Google

Oxford Street having a depth of 40 feet and extending from the passage to Sheep Market to the northern boundary of the Market at the Great Northern Railway.

(d) A portion of land in May's Market abutting upon Oxford Street having a depth of 143 feet or thereabouts extending from East Bridge Street to the Aberdeen Fruit Market.

(e) A portion of land in May's Market abutting upon East Bridge Street having a depth of 40 feet extending from a point 143 feet or thereabouts east of Oxford Street to the eastern boundary of the Market at the Great Northern Railway.

(f) A portion of land in the Hay Market having a depth of 110 feet measured from the southern boundary of the Market and parallel thereto and extending from Lagan Street to Stewart Street.

(2) Any portion or portions of the Corporation Markets sold exchanged demised granted or otherwise disposed of or appropriated and utilised for any of the purposes of the Corporation under the provisions of subsection (1) of this section shall be thereupon released from any provisions applicable to such Markets and from any Market or other rights thereover.

55.—(1) The Corporation may provide and maintain refreshment rooms on the lands at Drumnadrough acquired by them under the powers of the Act of 1910 and on the lands of Hazelwood acquired by them under the provisions of this Act and may either themselves manage such rooms and supply refreshments therein or if they think fit enter into agreements with any person or persons for the management of such rooms.

(2) All expenditure incurred by the Corporation in the exercise of the powers conferred upon them by this section shall be defrayed and any receipts arising from the exercise of any such powers shall be applied as if the said refreshment rooms were part of the Tramway undertaking.

(3) In erecting such refreshment rooms the Corporation shall conform to the by-laws of the sanitary authority from time to time regulating buildings in the area in which said refreshment rooms may be erected.

Digitized by Google

Power to license and regulate the conduct of drovers.

grant to any person whom they think fit a licence to car on the calling of a drover of cattle sheep pigs and oth animals and may charge a fee of two shillings and si pence for any such licence.

(2) The Corporation may from time to time ma by-laws for regulating the conduct of any persons licensed.

(3) Every such licence whensoever issued sh (unless suspended or revoked as hereinafter provid expire on the thirty-first day of March next following date of its issue and may contain conditions as to badge which the holder of any such licence shall wea

(4) Every such licence may be suspended or revo or endorsed by the Corporation if the person licensed s be guilty of any breach of the said by-laws or of fel or any indictable misdemeanour or habitual drunken or of being an idle and disorderly person or shall other misconduct himself or if the Corporation shall deem s suspension or revocation or endorsement to be neces or desirable in the interests of the public; Provided the existence of this power to suspend or revoke or end a license shall be plainly set forth in the licence itself

(5) If any person shall carry on the calling c act as a drover of cattle sheep pigs or other animals v unlicensed or shall be guilty of any breach of the by-laws or while unlicensed shall represent himself t licensed or wear any badge for the purpose of represen himself as licensed to carry on the said calling he be liable to a penalty not exceeding five pounds. Fo purposes of this section a person shall be deemed unlicensed during the period of any suspension c licence or if he has not obtained a licence under the visions of this section or if any licence granted to under the said provisions has been revoked or if the p for which any such licence was granted has expire the licence has not been renewed.

(6) This section shall not apply to an owner d his own animal or animals or to a member of his h hold or family or to a servant in the regular employ of such owner driving such animal or animals as afor

Street loiterers.

57. Any person habitually standing or loiter any street or public place who without reasonable refuses to depart from or continues to stand or lo any street or public place after having been warn

Digitized by Google

be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

58. Notwithstanding anything to the contrary in the Baths and Wash-houses (Ireland) Act 1846 contained the following provisions shall have effect—

(1) The power of the Corporation to make by-laws for the management use and regulation of public baths and open bathing-places shall extend to enable them to permit any swimming bath or open bathing-place owned by them to be used for the purpose of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such by-laws. Provided that by such by-laws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn.

(2) The Corporation may make a charge not exceeding sixpence for each person using any such open bathing-place.

59.—(1) The Right Honourable the Lord Mayor of the city may from time to time appoint an Alderman or Councillor to act as deputy Lord Mayor during the illness or absence of the Right Honourable the Lord Mayor.

(2) The appointment shall be signified to the Council in writing and be recorded in their minutes.

(3) A deputy Lord Mayor may while acting as such do all acts which the Right Honourable the Lord Mayor as such might do except that he shall not take the chair at a meeting of the Council unless specially appointed by the meeting to do so and shall not unless he is a Justice act as a Justice or in any judicial capacity.

60. The provisions of sections 219 to 223 of the Public Health (Ireland) Act 1878 shall apply to by-laws made by the Corporation under the powers of this Act in respect of which no other provision is made by this Act for confirmation and allowance.

61.—(1) Notwithstanding anything to the contrary contained in section 106 (Where houses are taken down Council may take land to improve the street) of the Act of 1845 or section 55 (Power to set back line of buildings in certain cases) or section 56 (Corporation may prescribe line of buildings in streets) of the Act of 1878 any question

Digitized by Google

them shall be referred to and determined by a sin
arbitrator to be agreed upon by the parties in dispute
failing such agreement to be appointed on the applicat
of either party (after notice in writing to the other
them) by the Ministry of Home Affairs and the arbitra
shall not take into consideration or award compensat
for the loss of any easement right benefit privilege
advantage accruing or which might accrue or might h
accrued to the owner or other persons interested in
property taken or required to be set back under the
sections by reason of the exercise in reference to any
perty adjoining or adjacent to the property of such ov
or persons of the powers of the said section or any of t
or any other power for the purchase or taking of land
buildings.

(2) If and whenever the Corporation notify to
owner or any person interested in any property w
they intend to purchase under the provisions of sec
106 of the Act of 1845 or which they require to be set
or intend to purchase under the provisions of section
56 of the Act of 1878 that they intend to exercis
powers conferred by said sections or any of them
notification shall be deemed to be a submission to arb
tion under the provisions of this section of all matt
disputed compensation and the expenses of any
arbitration shall be defrayed as the arbitrator may
and any such submission so deemed to be effect
aforesaid and any award made by any such arbi
may be made a rule of Court on the application of
party.

(3) Subject as hereinbefore provided the prov
of the Lands Clauses Acts shall apply to the tak
setting back of such property except that it shall
necessary for the Corporation to make out or depos
of the maps plans schedules or estimates or to p
any of the notices required by said Acts.

(4) Section 77 (Amendment of sections 106
of 1845 and 55 of Act of 1878) of the Act of 1911 is
repealed.

As to arbitrations.

62. Where any matter except a matter of d
compensation for lands taken compulsorily is r
under any of the provisions of this Act to an arb
unless such provision otherwise provides the expe
such arbitration shall be defrayed as the arbitrat
direct and the award of the arbitrator may be

Digitized by Google

Amendment Act (Ireland) 1856 or any statutory modification thereof.

63.—(1) The Ministry of Home Affairs may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon him by or the giving of any consents under this Act and the inspectors of the Ministry of Home Affairs shall for the purpose of any such inquiries have all such powers as they have for the purpose of inquiries directed by that Ministry under the Public Health (Ireland) Act 1878.

(2) The Corporation shall pay to the Ministry of Home Affairs any expenses incurred by them in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Ministry of Home Affairs not exceeding five guineas a day for the services of such inspector.

64. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any by-laws made thereunder may be laid and made by an officer of the Corporation authorised in that behalf or by the Town Clerk or by any police officer acting for or within the city.

65. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

66. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessions court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable Recorder's court under and according to the provisions of the Summary Jurisdiction (Ireland) Acts which shall apply accordingly and in regard to any such order made by a court of sum

Digitized by Google

tion may in like manner appeal.

Application of section 264 of Public Health (Ireland) Act, 1878.

67. Section 264 (Protection of sanitary author and their officers from personal liability) of the Pub Health (Ireland) Act 1878 shall with any necessary mo fications extend and apply to the purposes of this Act if the same were re-enacted herein.

Consent of Corporation to be in writing.

68. All consents given by the Corporation un the provisions of this Act shall be given in writing unless otherwise prescribed by this Act or by the Corpo tion shall be given under the hand of the Town Clerl other duly authorised officer of the Corporation.

Recovery of penalties, &c.

69. Save as otherwise by this Act expressly vided all offences against this Act and all penalties feitures costs and expenses imposed or recoverable u this Act or any by-law made in pursuance thereof ma prosecuted and recovered in a summary manner. vided that costs or expenses except such as are reco able along with a penalty shall not be recovered penalties but may be recovered summarily as civil d

Damages and charges to be settled by court.

70. Where any damages expenses or charges directed or authorised to be paid to or recovered by Corporation in addition to any penalty the amou such damages expenses or charges in case of dis respecting the same may be settled and determine the court before whom any offender is convicted.

Evidence of appointments, authority, &c.

71. Where in any legal proceedings taken by behalf of or against the Corporation or any offic servant solicitor or agent of the Corporation or any mittee of the Corporation under this Act or unde general or local Act for the time being in force in th it becomes necessary to prove the appointment thority of any officer servant solicitor or agent Corporation or of any committee of the Corporation prove any resolution or order of the Corporation resolution order or report of any committee of th poration a certificate of such appointment aut resolution order or report purporting to be authen by the signature of the Lord Mayor or of the Town shall be prima facie evidence of such appointme thority resolution order or report without furthe of the holding of any meeting or the production minute book or other record or document.

Saving for indictments, &c.

72. Nothing in this Act shall protect any from being proceeded against by way of indictn

Digitized by Google

summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act; Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

73. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

74. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

75. All the powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

76. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown

77. Nothing in this Act contained shall take away or lessen, or be taken or construed to take away, lessen or affect any estate or interest or any powers, rights, benefits, advantages, privileges, exemptions, or authorities of the Belfast Harbour Commissioners, now vested in them as such Commissioners.

78. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the Parliament of Northern Ireland or otherwise in relation thereto shall be paid by the Corporation out of the general purposes fund and rate of the city.

Digitized by Google

The SCHEDULES referred to in the foregoing Ac

THE FIRST SCHEDULE.

Session and Chapter.	Description or Short Title.
8 & 9 Vict. cap. cxlii.	An Act for the Improvement of Borough of Belfast (1845).
9 & 10 Vict. ccxciv.	An Act for better Lighting and Impro the Borough of Belfast (1846).
10 & 11 Vict. ccliv.	An Act for the further Improvemer the Borough of Belfast (1847).
13 & 14 Vict. cviii.	The Belfast Improvement Act 1850.
16 & 17 Vict. cxiv.	The Belfast Borough Extension Act 18
27 & 28 Vict. cxcviii.	The Belfast Award Act 1864.
28 & 29 Vict. clxxxiii	The County Antrim and Belfast Bor Act 1865.
29 & 30 Vict. cxiii.	The Belfast Burial Ground Act, 1866
31 & 32 Vict. cxvii.	The Belfast Borough Act 1868.
36 & 37 Vict. cxcix.	The Local Government Board (Ire Provisional Order (Belfast) C mation Act, 1873.
37 & 38 Vict. cxxv.	The Belfast Corporation Gas Act 187
40 & 41 Vict. cxxii.	The Local Government Board (Ire Provisional Orders (Artisans Labourers Dwellings) Confirn Act 1877 (Borough of Belfast Orde
41 & 42 Vict. clxxx.	The Belfast Improvement Act 1878.
47 & 48 Vict. xciii.	The Belfast Improvement Act 1884.
50 & 51 Vict. xxiii.	The Belfast Corporation (Lagan I Act 1887.
50 & 51 Vict. cxviii.	The Municipal Corporation of Belfa 1887.
50 & 51 Vict. cxxvii.	The Belfast Main Drainage Act 188
52 & 53 Vict. xlii.	The Belfast Corporation Act 1889.
53 & 54 Vict. cap. cv.	The Belfast Corporation (Various Act 1890.
53 & 54 Vict. cap. cxli.	The Belfast Parliamentary Borough tration Act 1890.
53 & 54 Vict. cap. cxcii.	Electric Lighting Orders Confir (No. 7) Act 1890 (Belfast Electric ing Order 1890).
54 & 55 Vict. cap. lvii.	Local Government Board (I Provisional Orders Confirmatic 3) Act 1891 (Local Government (Ireland) Provisional Order Streets Improvement 1891).

Digitized by Google

Session and Chapter.	Description of Short Title.
54 & 55 Vict. cap. cxliv.	Municipal Registration (Dublin and Belfast) Act 1891.
55 & 56 Vict. cap. ccx.	The Local Government Board (Ireland) Provisional Order Confirmation (No. 3) Act 1892.
53 & 54 Vict. cap. cxli.	The Belfast Parliamentary Borough Registration Act 1890.
53 & 54 Vict. cap. cxcii.	Electric Lighting Orders Confirmation (No. 7) Act 1890 (Belfast Electric Lighting Order 1890).
54 & 55 Vict. cap. lvii.	Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1891 (Local Government Board (Ireland) Provisional Order Belfast Streets Improvement 1891).
54 & 55 Vict. cap. cxliv.	Municipal Registration (Dublin and Belfast) Act 1891.
55 & 56 Vict. cap. ccx.	The Local Government Board (Ireland) Provisional Order Confirmation (No. 3 Act 1892.
55 & 56 Vict. cap. ccxxxi.	The Belfast District (Lunatic Asylum &c.) Act 1892.
59 & 60 Vict. cap. ccxlvi.	The Belfast Corporation Act 1896.
61 & 62 Vict. cap. liii.	The City of Belfast (Hospitals) Act 1898.
62 & 63 Vict. cap. ccxlvi.	The Belfast Corporation Act 1899.
2 Edw. VII. cap. cix.	The Belfast Corporation Act 1902.
4 Edw. VII. cap. ccxxix.	The Belfast Corporation (Tramways) Act 1904.
5 Edw. VII. cap. cxxiii.	The Local Government Board (Ireland) Provisional Orders Confirmation (No. 2) Act 1905 (The Belfast Order 1905).
8 Edw. VII. cap. cxxvi.	The Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1908 (Belfast Order 1908).
10 Edw. VII. and 1 Geo. V. cap. xlv.	The Belfast Corporation (Tramways) Act 1910.
1 & 2 Geo. V. cap. cxc.	The Belfast Corporation Act 1911.
2 & 3 Geo. V. cap. ix.	The Belfast Corporation Act 1912.
3 & 4 Geo. V. cap. c.	The Belfast Corporation Act 1913.
4 & 5 Geo. V. cap. xxxviii	The Belfast Corporation Act 1914.
11 & 12 Geo. V. cap. lxv.	The Local Government Board (Ireland) Provisional Orders Confirmation Act 1921.

Digitized by Google

THE SECOND SCHEDULE.

SECTIONS OF THE BELFAST STREET TRAMWAYS ACT 1872.

No. of Section	Marginal Note.
46	Power to break up streets &c.
47	Completion of work and reinstatement of roads.
49	Repair and maintenance of part of street or road whe Tramway is laid.
54	Right of user only.
57	For protection of sewers &c.
58	Saving rights of Corporation etc. to open roads.
59	Protecting bridges over railways and canals.
60	Form and delivery of notices.
62	Settlement of differences between Promoters and Co ration.
63	Penalty for obstruction of company in exercise of t powers.
71	Persons using tramways with carriages with flange wheel to forfeit £20 on each occasion to the company.
74	Company to be responsible for all damage.
77	Reservation of right of public to use streets.
92	List of tolls &c. to be exhibited in carriages and at stat
93	Tolls to be paid as directed by the company.
94	Penalty on passengers practising frauds on the compai
95	Such offenders may be detained.
96	Penalty for bringing dangerous goods on the tramway
97	By-laws.
98	Penalties in by-laws.
99	Proof of by-laws.
108	Recovery and application of penalties.
109	Saving rights of the Corporation.

Digitized by Google

AGREEMENT made the sixth day of November 1922 Between EBENEZER MARTIN REID of Hazelwood Ballygolan in the County of Antrim Merchant of the one part and THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF BELFAST (hereinafter called ' the Corporation ") of the other part :

Whereas by an Indenture of Fee Farm Grant dated the 4th day of January 1876 and made between Robert Cunningham Thomson of the one part and Daniel Grant of the other part the premises known as Hazelwood in the townland of Ballygolan in the County of Antrim containing forty-six acres and twenty-four perches or thereabouts were granted unto the said Daniel Grant his heirs and assigns for ever subject to the yearly Fee Farm rent of Eighty-five pounds and to the covenants and conditions on the Grantee's part therein contained :

And whereas by an Indenture of sub Fee Farm Grant dated the 30th day of February 1901 and made between the said Daniel Grant of the one part and John Johnston Kirkpatrick of the other part portion of the premises comprised in the said Indenture of Fee Farm Grant containing one acre two roods and twenty-three perches or thereabouts was granted unto the said John Johnston Kirkpatrick his heirs and assigns for ever subject to the perpetual yearly sub Fee Farm rent of Six pounds and to the covenants and conditions on the sub-grantee's part therein contained by which said sub Fee Farm grant liberty was given to the said John Johnston Kirkpatrick his heirs and assigns to take water from a spring on the premises comprised in the said Indenture of Fee Farm Grant not included in the said sub grant through a one inch pipe :

And whereas all the estate and interest of the said Daniel Grant in said premises are now vested in the said Ebenezer Martin Reid

IT IS HEREBY AGREED AS FOLLOWS—

(1) The said Ebenezer Martin Reid shall sell and the Corporation shall purchase all those the premises comprised in the said Indenture of Fee Farm Grant (except the portion thereof comprised in the said Indenture of sub Fee Farm Grant) together with the yearly sub Fee Farm rent of Six pounds reserved by the said sub-grant and the right to recover the same and all the estate and interest of the Grantor under said sub-grant but subject to the right of the sub-grantee to take the water through a one inch pipe as in said sub-grant mentioned for the sum of £7,000.

(2) The said sale is subject to the sanction of Parliament being obtained thereto in the next ensuing Session of Parliament and this Agreement is subject to any alterations which Parliament may see fit to make therein but if any material alteration is so made either party may withdraw from this Agreement.

(3) The said sale shall be completed one calendar month after the sanction of Parliament shall have been obtained as aforesaid and the said Ebenezer Martin Reid shall furnish a good title and do all things necessary to enable the said sale so to be completed.

Digitized by Google

A.D. 1920.

IN WITNESS whereof the said Ebenezer Martin Reid has her unto set his hand and affixed his seal and the Corporation have hereun affixed their Corporate Seal the day and year first herein written.

SIGNED, SEALED AND DELIVERED by the said Ebenezer Martin Reid in presence of
J. L. Galway, Solr., Belfast.
John Archer, Solr., Belfast.
} Ebenezer Martin Reid (Seal)

PRESENT when the Corporate Seal of the City of Belfast was affixed hereto.
W. F. COATES, Lord Mayor.
R. MEYER, Town Clerk.
} (The Corporate Seal of City of Belfast).

THE FOURTH SCHEDULE.

PART I.

Certain lands in the City and County Borough of Belfast I of Shankill and Townland of Townparks including the premise works of The North of Ireland Chemical Company Limited an five dwelling-houses in Bond Street and portion of the site of Street which lands are bounded on the South-West by the Blac River on the North-East by premises of Inglis & Co. Limite Mrs. Kinsman and also by a portion of Bond Street and on the West and South-East by other lands of the Corporation.

PART II.

Certain other lands situate in the City and County Borc Belfast and in the Parish of Shankill and Townland of Tow and which are now owned and occupied by the Corporation in a store and also vacant ground and portion of Norton Street. B on the South-West and North-West by the Corporation Gasw the North-East by premises of Mrs. Kinsman and portion of Street and on the South East by the lands lastly hereinbefore de

THE FIFTH SCHEDULE.

Stamp 10/-. AN AGREEMENT made this seventeenth day of Novem Between THE NORTH OF IRELAND CHEMICAL COMPANY LIMITE its registered office at Victoria Street Belfast (hereinafter c Company) of the one part and THE LORD MAYOR ALDER CITIZENS OF THE CITY OF BELFAST (hereinafter called the Cor of the other part :

Whereas by Deed Poll dated the 21st December 1880 T Honourable Ormsby one of the Land Judges of the Chancery of the High Court of Justice in Ireland granted unto the Con plot of ground with the houses and premises thereon situat

Digitized by Google

Belfast and County of Antrim containing one acre and four and three-quarter perches statute measure TO HOLD unto the Company their successors and assigns for ever subject to the perpetual yearly rent of One Hundred and Sixty pounds sterling and to the covenants conditions and clauses contained in an Indenture of Lease for ever dated 5th July 1877 made between Bryce Smith and Robert Henderson of the first part Margaret Kennedy Henderson of the second part and William Moreland of the third part :

And whereas by an Indenture of Fee Farm Grant dated the 17th day of July 1885 and made between Francis Glenfield of the one part and Robert Brown and James Alderdyce of the other part All that and those that piece or parcel of ground on the north side of the Blackstaff River in the Town Parish and Barony of Belfast containing to said River 126′ 9″ along the west side 255′ 6″ as more particularly delineated on the map in said Indenture was granted unto the said Robert Brown and James Alderdyce their heirs and assigns for ever as joint tenants subject to the yearly rent of Ninety-five pounds sterling and to the covenants on the Grantees part and conditions therein contained :

And whereas by divers mesne assignment and ultimately by a conveyance dated 24th January 1902 and made between William M. Clements of the first part and The Ulster Bank of the second part and the Company of the third part the said hereditaments and premises became vested in the Company subject to the said yearly rent and to the covenants and conditions in said grant contained :

And whereas by an Indenture of Conveyance dated 29th January 1914 and made between William Francis Kinsman of the first part Margaret Kennedy Kinsman of the second part and the Company of the third part the said William Francis Kinsman at the request and by the direction of the said Margaret Kennedy Kinsman as beneficial owner did thereby appoint All that piece or parcel of ground on the South-East side of Bond Street with the houses thereon in the City of Belfast containing in front 49′ 6″ in the rere 49′ 6″ and on the North-East and South-East sides 42′ to the use of the Company and their assigns subject with other premises to the yearly rent of One Hundred and Thirty pounds and Sixpence adjusted to One Hundred and Twenty-six pounds Seven shillings and Eightpence reserved by the Indenture of Fee Farm Grant dated the 31st day of December 1867 and made between Mary Blakiston-Houston of the one part and Robert Henderson of the other part under which said premises were held with others but indemnified from the whole of the said rent by the remainder of the hereditaments and premises comprised in said Indenture of Fee Farm Grant and subject to the covenants in said Indenture contained :

And whereas the Company are also in occupation of a small piece of ground between the premises in said Deed Poll and in said Indenture of Fee Farm Grant of the 17th July 1885 formerly the site of portion of Bond Street :

IT IS HEREBY AGREED AS FOLLOWS—

(1) The Company shall sell and the Corporation shall purchase ALL THOSE the premises comprised in the said hereinbefore recited Indenture of Deed Poll of the 21st December 1880 the Fee Farm Grant of the 17th July 1885 and Conveyance of the 29th January 1914 to-

Digitized by Google

together with all the estate and interest of the Company in and to t
said small piece of ground now occupied by them as aforesaid and
plant fixtures utensils and chattels belonging to the Company now
the premises as per inventory sealed by the respective parties here
subject to the said rents of One Hundred and Sixty pounds and Ninet
five pounds and subject also to the said adjusted rent of One Hundr
and Twenty-six pounds Seven shillings and Eightpence but with
benefit of the indemnity in respect of the latter rent contained in
said Conveyance of the 29th January 1914 and subject to the covena
on the Grantees part contained in the hereinbefore recited Indentu
save for payment of the said last mentioned rent at the price of Si
Thousand pounds.

(2) The said sale does not include the Company's stock-in-tr
nor drums casks bags and other containers of a chattel na
ordinarily used for the transport of such stock-in-trade for
purpose of sale which shall be taken over by the Corporation
valuation to be made as of the 30th June 1923.

(3) The said sale is subject to the sanction of Parliament b
obtained thereto in the next ensuing Session of Parliament an
subject to any alteration which Parliament may see fit to make th
but if any material alteration is so made either party may with
from this Agreement.

(4) The said sale shall be completed on the 30th day of June
provided such sanction shall then have been obtained but if
sanction shall not then have been obtained then one calendar m
after such sanction shall have been obtained as afo
provided that in the event of said sanction not being obtained
said Session this Agreement shall become null and void.

(5) If such sanction shall not have been obtained on th
day of June 1923 the Company shall at said date take stock an
their accounts audited and as from said date until the actua
of completion as provided in clause 4 shall subject as provi
clause 3 hereof continue to carry on business on behalf of th
poration and account to them for the net profits after payn
all usual outgoings and managerial and other salaries and
earned up to said date of completion on a final audit to be then
The Company to be allowed interest on the said purchase
from the 30th June 1923 till such date of completion at the
7% per annum. Provided if such sale is completed on or
the 31st July 1923 such interest shall be computed at 5%
accepted in lieu of 7%. The Corporation will indemnify the C
in respect of the Income Tax Corporation Tax or other tax
net profits to be accounted for to the Corporation by the C
as aforesaid. The interest payable to the Company to be su
the usual statutory deduction of Income Tax.

(6) The Company shall furnish a good title and do a
necessary to enable the said sale to be completed.

(7) The existing contract between the Company and
poration for the purchase of residuals and supply of prod
as from the date of completion be mutually cancelled.

Digitized by Google

hereunto affixed their Corporate Seals the day and year first herein written.

SEALED AND DELIVERED by The North of Ireland Chemical Company, Limited, in presence of
George O. Lytle,
J. Harold Lytle, } Directors.
Robert J. Rourke, Clerk,
34 Victoria Street, Belfast.

(Seal) North of Ireland Chemical Company Limited.

PRESENT when the Corporate Seal of the City of Belfast was affixed hereto
W. F. Coates, Lord Mayor.
R. Meyer, Town Clerk.

(The Corporate Seal of the City of Belfast.)

Digitized by Google

Digitized by Google

TABLE OF STATUTES OF THE IMPERIA PARLIAMENT PASSED IN THE YEAR 1923 (13 & 14 GEO. 5.) APPLICABLE IN NORTHERN IRELAND.

Chapter.	Subject Matter.	Section c as t applica
4	Fees (Increase)	11 (3
5	Dangerous Drugs so far as it amends the Dangerous Drugs Act, 1920†	
12	Prohibition of legal proceedings in respect of action taken under Restoration of Order in Ireland Regulations (indemnity).	
14	Finance Illicit Distillation in Ireland, section 13	39 (
27	Railway Fires Act, 1905, Amendment	
37	Expiring Laws†	
42	Workmen's Compensation	31 (3)

†In relation to matters with respect to which the Parliament of N Ireland has not power to make laws as to other matters see 14 & 15 Geo. c. 4.

*Such of the provisions as relate to matters with respect to which the ment of Northern Ireland has power to make laws shall not extend to N Ireland.

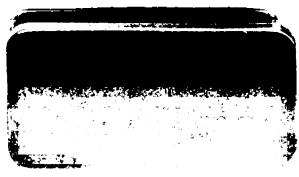
‡Enactments in 2nd Schedule repealed except so far as they relate to N Ireland.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google



Digitized by Google

LAW LIBRARY
University of Michigan
3 5112 103 435 212